

JSN
EGS
OF
1955

St. Kitt. Laws, 1955

THE PUBLIC GENERAL ACTS AND CHURCH ASSEMBLY MEASURES OF 1955

being those which received the Royal Assent in that year,
having been passed during the Fourth Session of the
Fortieth Parliament and part of the First Session of the
Forty-first Parliament of the United Kingdom of
Great Britain and Northern Ireland and during the

THIRD AND FOURTH YEARS

of the Reign of Her Majesty

QUEEN ELIZABETH THE SECOND

with

Tables of the Short Titles and of
The Effect of Legislation
and an Index



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

THE PUBLIC GENERAL STATUTES

3 & 4 ELIZ. 2

CHAPTER 3

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

[29th March, 1955]

Most Gracious Sovereign,

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

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

Issue of
£38,323,760 7s. 11d.
out of the
Consolidated Fund
for the service of
the years ending
31st March, 1954
and 1955.

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

Issue of
£1,668,239,200 out
of the Consolidated
Fund for the service
of the year ending
31st March, 1956.

3.—(1) The Treasury may borrow from any person by the issue of Treasury Bills or otherwise, and the Bank of England and the Bank of Ireland may advance to the Treasury on the credit of the said sums, any sum or sums not exceeding in the whole one thousand seven hundred and six million, five hundred and sixty-two thousand, nine hundred and sixty pounds, seven shillings and eleven pence.

Power for
the Treasury
to borrow.

A

40 & 41 Vict.
c. 2.

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

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

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

Short title.

4. This Act may be cited as the Consolidated Fund Act, 1955.

CHAPTER 4

An Act to increase the amount of the advances which may be made to development corporations under section twelve of the New Towns Act, 1946.

[29th March, 1955]

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

Advances to
development
corporations.

9 & 10 Geo. 6.
c. 68.

15 & 16 Geo. 6.
& 1 Eliz. 2.
c. 27.

1 & 2 Eliz. 2.
c. 38.

1.—(1) In the proviso to subsection (1) of section twelve of the New Towns Act, 1946, as amended by the New Towns Act, 1952, and the New Towns Act, 1953 (which, as so amended, limits to one hundred and fifty million pounds the aggregate amount of the advances which may be made to development corporations under that subsection for defraying expenditure properly chargeable to capital account), for the words "one hundred and fifty million pounds" there shall be substituted the words "two hundred and fifty million pounds".

(2) The New Towns Act, 1952, and the New Towns Act, 1953, are hereby repealed.

Short title
and citation.

2. This Act may be cited as the New Towns Act, 1955, and the New Towns Act, 1946, and this Act may be cited together as the New Towns Acts, 1946 and 1955.

CHAPTER 5

An Act to enable Her Majesty to place the Cocos or Keeling Islands under the authority of the Commonwealth of Australia, and for purposes connected therewith. [29th March, 1955]

WHEREAS the islands named the Cocos or Keeling Islands, comprising all the islands situated in the Indian Ocean in or about the 5th minute of the 12th degree of South Latitude and the 53rd minute of the 96th degree of East Longitude, and including the northern island otherwise known as North Keeling Island, are part of the Colony of Singapore as constituted by Order in Council under the Straits Settlements (Repeal) Act, 1946: 9 & 10 Geo. 6.
c. 37.

And whereas the Parliament and Government of the Commonwealth of Australia have requested and consented to the enactment of this Act:

And whereas by section one hundred and twenty-two of the constitution of the Commonwealth of Australia it is provided that the Parliament of the said Commonwealth may make laws for the government of any territory placed by the Queen under the authority of and accepted by the Commonwealth:

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

1.—(1) Her Majesty may by Order in Council direct that the Cocos or Keeling Islands shall, on such date as may be specified in the Order, cease to form part of the Colony of Singapore and be placed under the authority of the Commonwealth of Australia. Transfer of
the Islands to
Australia.

(2) As from the date specified as aforesaid, the Straits Settlements (Repeal) Act, 1946, and any Order in Council in force in respect of the said Colony under that Act and the British Settlements Acts, 1887 and 1945, as applied by that Act, shall have effect as if references therein to the said Islands were omitted.

(3) Her Majesty may by Order in Council make provision—

(a) for the transfer or retention of property, rights, powers, obligations or liabilities held, enjoyed or incurred by or on behalf of Her Majesty in right of Her Government in the United Kingdom or of the Government of the Colony of Singapore in or in connection with the said Islands and subsisting on the date specified as aforesaid;

- (b) for continuing in relation to proceedings pending on that date the jurisdiction in the said Islands of any court not situated therein;
- (c) for such other purposes, if any, not being purposes of the government of the said Islands, as appear to Her Majesty to be expedient in consequence of their ceasing to form part of the said Colony and being placed under the authority of the said Commonwealth.

Short title.

2. This Act may be cited as the Cocos Islands Act, 1955.

CHAPTER 6

An Act to extend the period for which schemes may continue in force under section one of the Colonial Development and Welfare Act, 1940; to increase the amounts payable out of moneys provided by Parliament for the purposes of such schemes; and to include the New Hebrides among the territories for which such schemes may be made. [29th March, 1955]

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

Amendment of
3 & 4 Geo. 6.
c. 40, s. 1 (1).

1.—(1) The following provisions of this section shall have effect in substitution for the proviso to subsection (1) of section one of the Colonial Development and Welfare Act, 1940 (which, as amended by subsequent enactments, imposes the following limits upon the sums to be paid out of moneys provided by Parliament for the purposes of schemes under that section, that is to say—

- (a) a limit of twenty-five million pounds on the sums to be so paid in any financial year;
- (b) a limit of one hundred and forty million pounds on the sums to be so paid in the period of ten years ending with the thirty-first day of March, nineteen hundred and fifty-six; and
- (c) a limit of two million five hundred thousand pounds on the sums to be so paid in any financial year for the purposes of schemes for promoting research or enquiry, and provides that no such scheme, other than a scheme for promoting research or enquiry, shall continue in force after the said thirty-first day of March, nineteen hundred and fifty-six).

(2) No scheme made under the said section one, other than a scheme for promoting research or enquiry, shall continue in force after the thirty-first day of March, nineteen hundred and sixty.

(3) The sums to be paid out of moneys provided by Parliament for the purposes of schemes under the said section one (excluding sums so paid before the first day of April, nineteen hundred and forty-six) shall not exceed two hundred and twenty million pounds in all.

(4) The sums to be paid out of moneys provided by Parliament for the purposes of such schemes in any financial year shall not exceed—

- (a) in the case of schemes for promoting research or enquiry, three million pounds;
- (b) in the case of all schemes, including such schemes as are mentioned in the foregoing paragraph, thirty million pounds.

(5) For the purposes of subsections (3) and (4) of this section there shall be left out of account any sums required by the Secretary of State in the period ending on the first day of October, nineteen hundred and fifty-seven, for making payments pursuant to any such scheme as is described in section two of the Overseas Resources Development Act, 1954 (which relates to schemes for certain purposes of the Tanganyika Agricultural Corporation). 2 & 3 Eliz. 2. c. 71.

2. The provisions of the said section one shall apply in relation to the New Hebrides as they apply in relation to a colony. Provision for the New Hebrides.

3.—(1) This Act may be cited as the Colonial Development and Welfare Act, 1955. Short title, citation and repeal.

(2) The Colonial Development and Welfare Acts, 1940 and 1945, and this Act may be cited together as the Colonial Development and Welfare Acts, 1940 to 1955.

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

Section 3.

SCHEDULE**ENACTMENTS REPEALED**

Session and Chapter	Short Title	Extent of Repeal
3 & 4 Geo. 6. c. 40.	The Colonial Development and Welfare Act, 1940.	In section one, the proviso to subsection (1).
8 & 9 Geo. 6. c. 20.	The Colonial Development and Welfare Act, 1945.	Section one.
12 & 13 Geo. 6. c. 49.	The Colonial Development and Welfare Act, 1949.	The whole Act.
14 & 15 Geo. 6. c. 4.	The Colonial Development and Welfare Act, 1950.	The whole Act.
2 & 3 Eliz. 2, c. 71.	The Overseas Resources Development Act, 1954.	In section two, subsection (1) and in subsection (2) the words from the beginning to "Provided that".

CHAPTER 7*Fisheries Act, 1955***ARRANGEMENT OF SECTIONS****Section**

1. Increase of certain grants to Herring Industry Board.
2. Financial assistance for construction, improvement and repair of fishing facilities.
3. Cesser of powers under 9 Edw. 7. c. 47 as to harbours, and consequential provisions.
4. Repeal of 5 Geo. 4. c. 64, and disposal of unexpended balances thereunder.
5. Powers of Secretary of State with respect to dredging.
6. Expenses and receipts.
7. Short title, interpretation, commencement and repeals.

SCHEDULE—Enactments repealed.

An Act to increase the maximum amount of the grants which may be made out of moneys provided by Parliament to the Herring Industry Board for the promotion of the sale of herring and other purposes; to confer on the Minister of Agriculture and Fisheries and the Secretary of State powers to make grants and loans for the execution, for the benefit of the fishing industry, of harbour and other works and to determine certain existing powers in that behalf; to empower the Secretary of State to operate dredgers; and for purposes connected with the matters aforesaid.

[29th March, 1955]

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

1.—(1) The limit of three million pounds imposed by subsection (1) of section five of the White Fish and Herring Industries Act, 1948, upon the aggregate amount of the grants which may be made out of moneys provided by Parliament under that subsection in respect of expenses incurred by the Herring Industry Board for promoting the sale of herring and other purposes specified therein—

Increase of certain grants to Herring Industry Board.
11 & 12 Geo. 6 c. 51.

(a) is hereby raised to three million five hundred thousand pounds; and

(b) may, by an order made by the Ministers with the approval of the Treasury, be further raised by an amount not exceeding two hundred and fifty thousand pounds.

(2) The power conferred by paragraph (b) of the foregoing subsection shall be exercisable by statutory instrument which shall be of no effect until approved by a resolution of the Commons House of Parliament.

(3) In this section the expression “the Ministers” means the Ministers for the purposes of the said section five.

2.—(1) The appropriate Minister may, upon such terms and subject to such conditions as he may, with the approval of the Treasury, determine, give to a public authority or an association of persons or company not trading for profit grant or by way of loan, or partly in the one way and partly in the other, in respect of expenses incurred by them for the purposes of the execution of works for the construction, improvement or repair of a harbour, pier, quay, jetty, boatslip or slipway in Great Britain, the landward approaches thereto or any

Financial assistance for construction, improvement and repair of fishing facilities.

buildings, structures or apparatus thereat which appear to the appropriate Minister to be requisite for the efficient functioning thereof, if the appropriate Minister is satisfied that the giving of the assistance will promote the maintenance or development of the fishing industry.

(2) Assistance given under the foregoing subsection in respect of the execution of any works may include a sum in respect of costs incurred in or in connection with the preparation of plans and specifications of the works, reports with respect thereto and estimates of the expenses to be incurred for the purposes of the execution thereof and a sum in respect of the remuneration of any architect, engineer or other person employed in an advisory or supervisory capacity in connection with the execution of the works; and where an application under the foregoing subsection to the appropriate Minister for assistance is refused, he may, notwithstanding the refusal, if he is satisfied that, in all the circumstances, it is proper so to do, make a payment in respect of costs incurred in or in connection with the preparation of plans and specifications of the works to which the application related, reports with respect thereto and estimates of the expenses to be incurred for the purposes of the execution of those works.

(3) Where assistance in respect of expenses incurred for the purposes of the execution of any works has been given under subsection (1) of this section by the appropriate Minister by way of loan, he may, with the consent of the Treasury, remit (wholly or in part) the payment of interest on, or the repayment of the principal of, the loan, or both, if he is satisfied that payment of the interest or repayment of the principal, or both, as the case may be, cannot be made in full or cannot be made in full without undue hardship.

(4) In this section the expression "the appropriate Minister" means—

- (a) as regards works executed or proposed to be executed in England or Wales, the Minister of Agriculture and Fisheries;
- (b) as regards works executed or proposed to be executed in Scotland, the Secretary of State.

Cesser of powers under 9 Edw. 7. c. 47 as to harbours, and consequential provisions.

3.—(1) No further advances shall be made under Part I of the Development and Road Improvement Funds Act, 1909, for the construction or improvement of harbours.

(2) All rights and liabilities of the Treasury under any agreement made before the commencement of this Act for the making by them of an advance under the said Part I for the construction or improvement of a harbour in England or Wales shall, by virtue of this subsection, vest in the Minister of Agriculture and Fisheries, and all rights and liabilities of the Treasury under any agreement

so made for the making by them of an advance under the said Part I for the construction or improvement of a harbour in Scotland shall, by virtue of this subsection, vest in the Secretary of State.

(3) Subsection (3) of the last foregoing section shall apply to any loan in respect of which rights and liabilities of the Treasury vest in the Minister of Agriculture and Fisheries or the Secretary of State by virtue of the last foregoing subsection as it applies to a loan made under that section by that Minister or the Secretary of State, as the case may be.

4. The Fisheries Act, 1824 (which provides for the application of sums not exceeding three thousand pounds in any one year for the encouragement of the Scottish fisheries) shall cease to have effect, and the Queen's and Lord Treasurer's Remembrancer shall pay into the Exchequer any moneys in his hands which represent any part of sums heretofore provided by Parliament for the purposes of that Act. Repeal of 5 Geo. 4. c. 64, and disposal of unexpended balances thereunder.

5. The Secretary of State may operate vessels equipped for the dredging of harbours and may enter into agreements with other persons whereby they are enabled to avail themselves, on such terms and subject to such conditions as may be approved by the Treasury, of the services which can be rendered by vessels so equipped which are operated by him. Powers of Secretary of State with respect to dredging.

6.—(1) There shall be defrayed out of moneys provided by Parliament— Expenses and receipts.

- (a) any increase attributable to this Act in the sums which, under subsection (1) of section five of the White Fish and Herring Industries Act, 1948, are defrayed out of moneys so provided; and
- (b) any expenses incurred under or by virtue of this Act by the Minister of Agriculture and Fisheries or the Secretary of State.

(2) Any sums received under or by virtue of this Act by the Minister of Agriculture and Fisheries or the Secretary of State shall be paid into the Exchequer.

7.—(1) This Act may be cited as the Fisheries Act, 1955. Short title, interpretation, commencement and repeals.

(2) References in this Act to any other enactment shall be construed as references to that enactment as amended by or under any subsequent enactment.

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

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

A*

Section 7.

SCHEDULE

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
5 Geo. 4. c. 64 17 & 18 Vict. c. 94.	The Fisheries Act, 1824 The Public Revenue and Consolidated Fund Charges Act, 1854.	The whole Act. In Schedule (B) the words "The Commissioners of White Herring Fishery Board, &c., and for repair of piers, quays, and boats" and the words "5 Geo. 4. c. 64".
57 & 58 Vict. c. 14.	The Fishery Board (Scotland) Extension of Powers Act, 1894.	The whole Act.
58 & 59 Vict. c. 42.	The Sea Fisheries Regu- lation (Scotland) Act, 1895.	Section twenty-seven.
59 & 60 Vict. c. 42.	The Public Works Loans Act, 1896.	Section three.
9 Edw. 7. c. 47	The Development and Road Improvement Funds Act, 1909.	In section one, in subsection (1), paragraph (e).
9 & 10 Geo. 5. c. 50.	The Ministry of Trans- port Act, 1919.	In section seventeen, in subsection (1), the words from "except as respects" to "referred to them".

CHAPTER 8

An Act to make further provision as to the salary and expenses of the Governor of Northern Ireland; to transfer to the Court of Appeal in Northern Ireland jurisdiction in respect of certain appeals by way of case stated; to enlarge the legislative power of the Parliament of Northern Ireland in respect of the administration and distribution of estates of deceased persons, the printing and publication of statutory rules, and the appointment, removal, remuneration, jurisdiction and functions of coroners; and for purposes connected with the matters aforesaid. [29th March, 1955]

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

Salary and
expenses of
Governor.

1.—(1) In lieu of the salary of eight thousand pounds payable under section three of the Lord Lieutenants' and Lord Chancellors' Salaries (Ireland) Act, 1832, as amended by paragraph one of the

First Schedule to the Irish Free State (Consequential Provisions) Act, 1922, there shall be paid to the Governor of Northern Ireland, in respect of the financial year ending on the thirty-first day of March, nineteen hundred and fifty-five and each subsequent financial year,—

- (a) a salary at the rate of four thousand pounds per annum; and
- (b) an allowance in respect of expenses (other than expenses defrayed out of moneys provided by Parliament for the service of the Minister of Works or by the Parliament of Northern Ireland) of such amount, not exceeding ten thousand pounds in any year, as the Secretary of State may, with the concurrence of the Treasury, from time to time determine.

(2) The said salary and allowance shall be charged on the consolidated fund of the United Kingdom; and the deduction required by subsection (3) of section thirty-seven of the Government of Ireland Act, 1920, to be made towards the salary of the Governor from the Northern Ireland residuary share of reserved taxes shall not be made in respect of the financial year beginning on the first day of April, nineteen hundred and fifty-five or any subsequent financial year.

2.—(1) The power of the High Court in Northern Ireland to hear and determine appeals by way of case stated—

- (a) from a court of summary jurisdiction under the section substituted by section ten of the Criminal Justice Act (Northern Ireland), 1945, for section two of the Summary Jurisdiction Act, 1857;
- (b) from quarter sessions under section ten of the Annual Revision of Rateable Property (Ireland) Amendment Act, 1860, or under that section as applied by any subsequent enactment,

Transfer of certain appeals from Divisional Court to Court of Appeal.

is hereby transferred to the Court of Appeal in Northern Ireland; and accordingly any enactment relating to such appeals (including section five of the said Act of 1857) shall have effect as if for any reference therein to, or which has effect as a reference to, the said High Court there were substituted a reference to the said Court of Appeal.

(2) The foregoing provisions of this section shall not apply to any case stated and transmitted to the High Court of Northern Ireland before the commencement of this Act.

3.—(1) No limitation on the powers of the Parliament of Northern Ireland imposed by the Government of Ireland Act, 1920, shall be taken to preclude that Parliament from including, in any enactment relating to the devolution and distribution of power in respect of intestates' estates.

estates of deceased persons under the law of Northern Ireland, provisions—

- (a) for abolishing or altering, in relation to estates of persons dying intestate after the commencement of the said enactment, any modes, rules or canons of descent or of devolution by special occupancy, or any right to dower or tenancy by the curtesy or other right of a surviving spouse in real or personal property as to which his or her spouse dies intestate;
- (b) for abolishing escheat to the Crown or to a mesne lord for want of heirs, and for enabling the Crown, in default of persons entitled thereto under the law for the time being in force in Northern Ireland, to take as bona vacantia, and in lieu of any right to escheat, any real or personal property as to which a person dies intestate as aforesaid.

(2) Any such enactment may amend or repeal any enactment passed before the commencement of this Act which relates to the administration of estates of deceased persons under the law of Northern Ireland, including the grant of representation thereto, so far as may be consequential upon provisions made by the first-mentioned enactment for purposes specified in paragraph (a) or paragraph (b) of the foregoing subsection, or otherwise for regulating the devolution and distribution of such estates, and shall bind the Crown to such extent as may be necessary to give effect to the provisions thereof.

Legislative power in respect of statutory rules.

4.—(1) No limitation on the powers of the Parliament of Northern Ireland imposed by the Government of Ireland Act, 1920, shall be taken to preclude that Parliament from extending the Rules Publication Act (Northern Ireland), 1925, or any enactment of that Parliament amending or re-enacting that Act, with or without modifications, to statutory rules to which this section applies; and except so far as may be otherwise provided by that Parliament, or by regulations made under the said Act of 1925, all such rules (other than rules made, confirmed or approved before the commencement of this Act) shall be deemed to be statutory rules to which that Act applies.

(2) The statutory rules to which this section applies are orders, rules, regulations or other subordinate legislation (whether or not relating to matters in respect of which the Parliament of Northern Ireland has power to make laws) made, confirmed or approved by any of the authorities referred to in subsection (2) of section two of the said Act of 1925, in the exercise of powers conferred by any Act of the Parliament of the United Kingdom, whenever passed, including orders, rules, regulations or other subordinate legislation made, confirmed or approved as aforesaid at any time since the commencement of the Statutory Instruments Act, 1946.

5. The limitation imposed by paragraph (1) of subsection (1) of section four of the Government of Ireland Act, 1920, precluding the Parliament of Northern Ireland from making laws in respect of the Crown or the property of the Crown, shall not be taken to preclude that Parliament from enacting in relation to Northern Ireland any law regulating the appointment, removal, remuneration, jurisdiction or functions of coroners and coroners' juries. Legislative power in respect of coroners.

6.—(1) In this Act "enactment" includes an enactment of the Parliament of Northern Ireland, and (without prejudice to any specific provision of this Act) references in this Act to any enactment are references thereto as amended or applied by or under any subsequent enactment. Interpretation, short title and repeals.

(2) This Act may be cited as the Northern Ireland Act, 1955.

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

SCHEDULE ENACTMENTS REPEALED

Section 6.

Session and Chapter	Short Title	Extent of Repeal
2 & 3 Will. 4. c. 116.	The Lord Lieutenants' and Lord Chancellors' Salaries (Ireland) Act, 1832.	The whole Act.
20 & 21 Vict. c. 43.	The Summary Jurisdiction Act, 1857.	Sections eight and ten, so far as they extend to Northern Ireland. Section twelve.
23 & 24 Vict. c. 4.	The Annual Revision of Rateable Property (Ireland) Amendment Act, 1860.	The whole Act, so far as unrepealed.
56 & 57 Vict. c. 66.	The Rules Publication Act, 1893.	In the Schedule, the words "Section 11 of the Annual Revision of Rateable Property (Ireland) Amendment Act, 1860 (23 & 24 Vict. c. 4)".
60 & 61 Vict. c. 17.	The Supreme Court of Judicature (Ireland) Act, 1897.	Subsection (3) of section thirty-seven, except in relation to the deduction thereby required to be made from the Northern Ireland residuary share of reserved taxes in the year ending on the thirty-first day of March, nineteen hundred and fifty-five.
10 & 11 Geo. 5. c. 67.	The Government of Ireland Act, 1920.	In the First Schedule, subparagraph (2) of paragraph one.
13 Geo. 5. Sess. 2. c. 2.	The Irish Free State (Consequential Provisions) Act, 1922.	In section twenty-nine, subsection (3).
14 Geo. 6. c. 37	The Maintenance Orders Act, 1950.	

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Lord Lieutenants' and Lord Chancellors' Salaries (Ireland) Act, 1832	2 & 3 Will. 4. c. 116.
Summary Jurisdiction Act, 1857	20 & 21 Vict. c. 43.
Annual Revision of Rateable Property (Ireland) Amendment Act, 1860	23 & 24 Vict. c. 4.
Government of Ireland Act, 1920	10 & 11 Geo. 5. c. 67.
Irish Free State (Consequential Provisions) Act, 1922	13 Geo. 5. c. 2.
Statutory Instruments Act, 1946	9 & 10 Geo. 6. c. 36.

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## CHAPTER 9

An Act to grant money for the purpose of certain local loans out of the Local Loans Fund.

[29th March, 1955]

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

Grants for public works.

1.—(1) There may be issued by the National Debt Commissioners for the purpose of local loans by the Public Works Loan Commissioners any sum or sums not exceeding in the whole the sum of five hundred million pounds.

50 & 51 Vict. c. 16.

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

Limit of commitments by Public Works Loan Commissioners.

2. The period aforesaid shall be an issue period within the meaning of section two of the Public Works Loans (No. 2) Act, 1946 (which enables the Public Works Loan Commissioners to undertake to grant loans which include loans falling to be advanced after the expiration of the current issue period), and the aggregate of—

9 & 10 Geo. 6. c. 75.

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

(b) the advances in respect of local loans made by the said Commissioners during that period up to that time, shall not exceed the sum of one thousand million pounds.

3. This Act may be cited as the Public Works Loans Act, Short title. 1955.

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## CHAPTER 10

An Act to increase the limit imposed by paragraph (b) of subsection (1) of section twenty-six of the Transport Act, 1953, on the amount outstanding in respect of borrowings of the British Transport Commission.  
[29th March, 1955]

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

1. In paragraph (b) of subsection (1) of section twenty-six of the Transport Act, 1953 (which imposes, subject to the provisions of that subsection, a limit of two hundred and seventy-five million pounds on the aggregate amount outstanding in respect of the principal of British transport stock issued otherwise than to satisfy or raise money for compensation and in respect of temporary loans raised by the British Transport Commission) for the words "two hundred and seventy-five million pounds" there shall be substituted the words "six hundred million pounds"; and the other provisions of that Act, and of the Transport Act, 1947, shall have effect accordingly, and in particular the provisions which authorise the Treasury to give guarantees with respect to stock or loans and which provide for charging sums required for fulfilling any such guarantee on the Consolidated Fund and for paying into the Exchequer any sums received by way of repayment of sums so required or by way of interest thereon.

Extension of borrowing powers. 1 & 2 Eliz. 2. c. 13. 10 & 11 Geo. 6. c. 49.

2. This Act may be cited as the Transport (Borrowing Powers) Act, 1955. Short title.

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## CHAPTER 11

An Act to provide for extending the upper age-limit for liability to national service in the case of persons absent from Great Britain in the last year of their said liability, and for purposes connected with the matter aforesaid.  
[29th March, 1955]

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

Application  
of Act.

1.—(1) Where a person has attained the upper age-limit for liability to national service, but had not attained it before the first day of January, nineteen hundred and fifty-five, and either—

- (a) he was immediately before he attained it subject to registration, or
- (b) he was then not subject to registration by reason only of his not being ordinarily resident in Great Britain, but had previously been ordinarily resident therein at some time after attaining the age of seventeen years and eight months,

then if during the year ending with his attaining the said upper age-limit he was absent from Great Britain for a period of not less than twenty-eight days, or for periods which in the aggregate amounted to not less than twenty-eight days, this Act shall, subject as hereinafter provided, apply to him.

(2) This Act shall not apply—

- (a) to a person who since attaining the upper age-limit for liability to national service has become a person of any of the descriptions specified in the First Schedule to the principal Act (which specifies certain classes of persons not liable to be called up for service);
- (b) to a person who, under the provisions of any Act in force in any part of Her Majesty's dominions outside Great Britain, is a national or citizen of that part within the meaning of that Act, or is domiciled in any such part of Her Majesty's dominions or in a British protectorate, a mandated territory, a trust territory or any other country or territory being a country or territory under Her Majesty's protection or suzerainty;
- (c) to a person liable to be called upon to serve by virtue of section twenty-three of the principal Act (which imposes a liability to complete interrupted service).

2.—(1) The Minister may cause a notice under section eight of the principal Act (which relates to medical examination) to be served on a person to whom this Act applies who has not attained the age of thirty-six years, notwithstanding his not being subject to registration; and if such a notice is served the principal Act shall thereafter apply in his case—

Power of Minister to extend upper age-limit of liability.

- (a) as if for references to the upper age-limit for liability to national service there were substituted references to the age of thirty-six years;
- (b) as if so much of that Act as makes it a condition of being liable to be called up for service that a person is ordinarily resident in Great Britain were omitted.

(2) A notice served by virtue of the last foregoing subsection shall be accompanied by a document stating that it is served by virtue of this Act and containing such information as appears to the Minister expedient for informing the person on whom it is served of the effect of this Act.

3. There shall be defrayed out of moneys provided by Parliament any increase attributable to the provisions of this Act in the sums payable out of such moneys under section fifty-five of the principal Act.

Expenses.

4.—(1) This Act may be cited as the National Service Act, 1955, and the National Service Acts, 1948 to 1950, and this Act may be cited together as the National Service Acts, 1948 to 1955.

Short title, citation, interpretation and extent.

(2) In this Act—

“the Minister” means the Minister of Labour and National Service;

“the principal Act” means the National Service Act, 1948; 11 & 12 Geo. 6. c. 64.

“the upper age-limit for liability to national service” means the age of twenty-six years, except that where under the provisions of the National Service Acts, 1948 to 1950, relating to medical practitioners and dentists, or to postponement certificates, a later age is substituted for the age of twenty-six years the said expression means that later age;

and other expressions used in the principal Act and this Act have the same meaning in this Act as they have in the principal Act, and in particular “Her Majesty’s dominions” has the same meaning as if this Act had been passed immediately after the principal Act.

(3) Section fifty-eight of the principal Act (which enables that Act to be extended by Order in Council to the Isle of Man) shall apply in relation to this Act as it applies in relation to that Act.



## CHAPTER 12

An Act to amend the law relating to the superannuation benefits payable in respect of service with trustee savings banks and their inspection committee.

[29th March, 1955]

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

Power to make orders as to superannuation benefits.  
2 & 3 Eliz. 2.  
c. 63.

1.—(1) The Treasury may, after consulting the National Debt Commissioners, by order extend or modify the superannuation benefits payable under sections sixty-four to sixty-nine of the Trustee Savings Banks Act, 1954 (which authorise trustee savings banks and the Inspection Committee to pay pensions and similar benefits).

(2) The Treasury may, in particular, by an order under this section authorise the payment of superannuation benefits corresponding to those payable under the Superannuation Acts, 1834 to 1950, or under any other enactment, whether past or future, which relates to the superannuation benefits payable in respect of the service of civil servants, but shall not make an order which in their opinion would authorise the payment of superannuation benefits superior to those payable in respect of the service of civil servants.

(3) Subject to the restrictions imposed by the last foregoing subsection, an order under this section may in particular—

- (a) authorise the granting of pensions for widows, children and other dependants of deceased employees, and of lump sums payable on retirement, or on death before retirement, and
- (b) authorise the increase of pensions in cases corresponding to those where civil service pensions have been increased by the Pensions (Increase) Act, 1944, or any subsequent Act relating to the increase of current pensions, and
- (c) make provision as to the kinds of service which may be treated as pensionable service, and as to payments in respect of employees transferred from one service to another, and
- (d) amend any of the provisions of the said sections sixty-four to sixty-nine of the Trustee Savings Banks Act, 1954, and

7 & 8 Geo. 6.  
c. 21.



(e) make provision for transitional, supplemental or incidental matters,

and an order making provision corresponding to Part I or II of the Superannuation Act, 1949 (which provides for the payment of contributions in return for the benefits thereby conferred), may apply section three hundred and eighty-four of the Income Tax Act, 1952 (which provides that relief from income tax shall not be allowed in respect of such contributions).

(4) An order under this section may be varied or revoked by a subsequent order and the power of making such orders shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(5) In this section "civil servant" has the meaning assigned to it by subsection (2) of section sixty-three of the Superannuation Act, 1949.

2.—(1) This Act may be cited as the Trustee Savings Banks (Pensions) Act, 1955.

Short title  
and extent.

(2) This Act shall extend to Northern Ireland, the Isle of Man and the Channel Islands.

## CHAPTER 13

An Act to amend the requirements of the Rural Water Supplies and Sewerage Act, 1944, with respect to undertakings under section one of that Act to make contributions towards expenses incurred by local authorities in connection with water supplies, sewerage and sewage disposal in rural localities; and for purposes connected with the matters aforesaid.

[29th March, 1955]

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

1.—(1) Any undertaking given by the Minister of Housing and Local Government or the Secretary of State after the commencement of this Act under section one of the Rural Water Supplies and Sewerage Act, 1944, to make a contribution towards the expenses incurred by a local authority in connection with water supplies, sewerage and sewage disposal in a rural locality shall provide for the making of the contribution in the form of such

Government  
contributions  
under Rural  
Water Supplies  
and Sewerage  
Act, 1944.  
7 & 8 Geo. 6.  
c. 26.

lump sum payment or payments, or such periodical payments towards revenue expenditure, as may appear to the said Minister or, as the case may be, to the Secretary of State to be appropriate; and accordingly subsections (2) and (3) of the said section one are hereby repealed.

(2) Where, before the commencement of this Act, an undertaking has been given under the said section one to make a contribution in the form of a lump sum payment or payments, the said Minister or, as the case may be, the Secretary of State may, if he thinks fit, substitute for any payment or payments remaining to be paid in pursuance of that undertaking such periodical payments towards revenue expenditure as may appear to him to be equivalent thereto.

14 & 15 Geo. 6. c. 45.  
12, 13 & 14 Geo. 6. c. 31.

(3) For the purposes of the limit on the aggregate amount of contributions under the said section one imposed by subsection (5) of that section as amended by the Rural Water Supplies and Sewerage Act, 1951 (or, as the case may be, by the said subsection (5) as read with section seven of the said Act of 1944 and as amended by section twenty-one of the Water (Scotland) Act, 1949), in a case where contributions are made by way of a series of periodical payments there shall be taken into account only the capital amount which would be represented by those periodical payments if—

- (a) those payments were instalments of principal and interest combined; and
  - (b) the interest were calculated, with half-yearly rests, at such rate as, at the date when the undertaking to make the contributions in question is given, is in force for a loan to the local authority in question from the Local Loans Fund; and
  - (c) the said capital amount were calculated as at the date falling six months before the first payment of the series.
- (4) In the valuation for rating purposes—
- (a) in England or Wales, of any hereditaments occupied by water undertakers; and
  - (b) in Scotland, of any lands and heritages of water undertakers,

any contributions under the said section one shall be left out of account.

11 & 12 Geo. 6. c. 26.  
2 & 3 Eliz. 2. c. 13.

(5) Any increase attributable to the provisions of this Act in the sums payable out of moneys provided by Parliament under the said section one, under Part I of the Local Government Act, 1948, or under the Local Government (Financial Provisions) (Scotland) Act, 1954, shall be paid out of moneys so provided.

2.—(1) This Act may be cited as the Rural Water Supplies and Sewerage Act, 1955. Citation,  
and extent.

(2) This Act, the Rural Water Supplies and Sewerage Acts, 1944 and 1951, and section twenty-one of the Water (Scotland) Act, 1949, may be cited together as the Rural Water Supplies and Sewerage Acts, 1944 to 1955.

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

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## CHAPTER 14

An Act to amend the law relating to the Board of Trustees of the Imperial War Museum, and to extend their powers of lending objects belonging to the Museum. [29th March, 1955]

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

1.—(1) For paragraph (1) of the Schedule to the Imperial War Museum Act, 1920 (which relates to the membership of the Board of Trustees of that Museum), there shall be substituted the paragraph set out in the Schedule to this Act. Constitution  
of Board of  
Trustees of  
Imperial War  
Museum.

(2) Her Majesty may from time to time by Order in Council make further provision with respect to the membership of the said Board, and vary the said paragraph (1) or any previous Order in Council made under this section. 10 & 11 Geo. 5.  
c. 16.

(3) A draft of any Order in Council under this section shall be laid before each House of Parliament.

(4) This section shall come into force on the first day of January, nineteen hundred and fifty-six.

2.—(1) The said Board shall have power with the consent of the Treasury to lend any objects belonging to the Imperial War Museum— Power of  
lending.

(a) for public exhibition in the United Kingdom or elsewhere, or

(b) to any Government Department or other authority or institution in the United Kingdom or elsewhere.

(2) The Board shall give special consideration to any application for a loan—

(a) for public exhibition, or

(b) for display in any permanent headquarters or other establishment belonging to the armed forces of the Crown.

(3) A loan under this section shall be made on such terms and subject to such conditions as the Board may think fit, and any loan made for display in a building for the furnishing of which the Minister of Works is responsible shall be effected through that Minister.

(4) In the case of an object which has been given or bequeathed to the Museum, the powers conferred by this section shall not be exercisable—

(a) until fifteen years have elapsed since the date of the gift or bequest, unless the donor or his personal representatives, or the personal representatives of the testator, as the case may be, have consented to the exercise of those powers; or

(b) in any manner inconsistent with any condition attached to the gift or bequest unless either twenty-five years have elapsed since the said date, or the donor or his personal representatives, or the personal representatives of the testator, as the case may be, have consented to the exercise of those powers in that manner.

(5) Paragraph (e) of section two of the Imperial War Museum Act, 1920 (which confers powers of lending superseded by this section), is hereby repealed.

Short title  
and citation.

3. This Act may be cited as the Imperial War Museum Act, 1955, and the Imperial War Museum Act, 1920, and this Act may be cited together as the Imperial War Museum Acts, 1920 and 1955

## SCHEDULE

Section 1.

### CONSTITUTION OF BOARD OF TRUSTEES OF IMPERIAL WAR MUSEUM

(1) The Board shall consist of a President and twenty-five other members of whom one shall be the Director and Principal Librarian of the British Museum and the remainder shall be appointed as shown in the following Table:—

| Number of members appointed | Appointing authority                                       |
|-----------------------------|------------------------------------------------------------|
| 9                           | The Treasury                                               |
| 1                           | The Admiralty                                              |
| 1                           | The Secretary of State for War                             |
| 1                           | The Secretary of State for Air                             |
| 1                           | The Secretary of State for Commonwealth Relations          |
| 1                           | The Secretary of State for the Colonies                    |
| 1                           | The Minister of Education                                  |
| 1                           | The Minister of Works                                      |
| 1                           | The Government of Canada                                   |
| 1                           | The Government of Australia                                |
| 1                           | The Government of New Zealand                              |
| 1                           | The Government of the Union of South Africa.               |
| 1                           | The Government of India                                    |
| 1                           | The Government of Pakistan                                 |
| 1                           | The Government of Ceylon                                   |
| 1                           | The Government of the Federation of Rhodesia and Nyasaland |

## CHAPTER 15

An Act to charge income tax for the year 1955–56 and fix the rates of tax for that year, to fix the rates of surtax for the year 1954–55 and to alter the law as to certain of the personal reliefs. [6th May, 1955]

Most Gracious Sovereign,

**WE**, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom in Parliament assembled, towards raising the necessary supplies to defray Your Majesty's public expenses, and making an addition to the public revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the sums hereinafter provided for

by way of income tax; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Charge of  
income tax for  
1955-56 and  
surtax rates  
for 1954-55.

1.—(1) Income tax for the year 1955-56 shall be charged at the standard rate of eight shillings and sixpence in the pound and, in the case of an individual whose total income exceeds two thousand pounds, shall be charged in respect of the excess at rates in the pound which respectively exceed the standard rate by the amounts by which the higher rates for the year 1953-54 exceeded the standard rate for that year:

15 & 16 Geo. 6.  
& 1 Eliz. 2.  
c. 10.

Provided that the amounts of tax deductible or repayable under section one hundred and fifty-seven (pay-as-you-earn) of the Income Tax Act, 1952, shall, until the sixth day of July, nineteen hundred and fifty-five, be the same as if the standard rate were nine shillings in the pound (any necessary correction being made on or after that day by adjusting subsequent deductions or repayments under that section, or, if need be, by an assessment).

(2) Income tax for the year 1954-55 shall be charged, in the case of an individual whose total income exceeded two thousand pounds, at the same higher rates in respect of the excess as were charged for the year 1953-54.

Alterations in  
personal  
reliefs.

2.—(1) As respects the year 1955-56 and subsequent years of assessment, the Income Tax Acts shall be amended as shown in the following provisions of this section, and the enactments mentioned in the Schedule to this Act shall accordingly be repealed to the extent specified in the third column of that Schedule:

Provided that the amounts of tax deductible or repayable under section one hundred and fifty-seven (pay-as-you-earn) of the Income Tax Act, 1952 (hereafter in this section referred to as "the main Act") shall, until the sixth day of July, nineteen hundred and fifty-five, be the same as if this section had not been passed (any necessary correction being made on or after that day by adjusting subsequent deductions or repayments under that section, or, if need be, by an assessment).

15 & 16 Geo. 6.  
& 1 Eliz. 2.  
c. 33.

(2) In section fifteen of the Finance Act, 1952 (relief for small incomes) references to three hundred pounds shall be substituted in all places for the references to two hundred and fifty pounds (the income limit for the full relief), a reference to four hundred pounds shall be substituted for the reference to three hundred and fifty pounds (the income limit for the marginal relief) and a reference to nine-twentieths shall be substituted for the reference to two-fifths (the fraction governing the marginal relief).

(3) In section two hundred and ten (personal allowances) of the main Act, references to two hundred and forty pounds and to one hundred and forty pounds shall respectively be substituted for the references (as originally enacted) to one hundred and ninety pounds and to one hundred and ten pounds.

(4) In subsection (3) (old age relief) of section two hundred and eleven of the main Act, a reference to three-fifths shall be substituted for the reference to five-eighths (the fraction governing the marginal relief for incomes over six hundred pounds).

(5) In sections two hundred and twelve and two hundred and thirteen (child relief) of the main Act, references to one hundred pounds shall be substituted for the references (as originally enacted) to seventy pounds in subsection (1) of section two hundred and twelve and in subsections (2) and (3) of section two hundred and thirteen; and paragraph (b) of subsection (3) of section two hundred and twelve shall be omitted.

(6) In section two hundred and sixteen (dependent relatives) of the main Act, references to one hundred and five pounds and one hundred and sixty-five pounds shall respectively be substituted for the references (as originally enacted) to eighty pounds and to one hundred and thirty pounds (which relate to the income of the dependent relative).

(7) In section two hundred and twenty (reduced rate relief) of the main Act, there shall be substituted for the words from "a further deduction" in subsection (1) to the end of subsection (4A), the following:—

"a further deduction of the amount shown in the following Table (in which "the relevant amount" means an amount equal to one pound for every eight shillings and sixpence of the amount of tax so remaining chargeable, with a proportionate addition for any additional part of eight shillings and sixpence):—

TABLE

Where the relevant amount—

|                                             |                                                                                                                               |
|---------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|
| does not exceed £60                         | a deduction equal to 6s. 3d. for each pound of the relevant amount.                                                           |
| does exceed £60, but does not exceed £210.  | the same deduction as if the relevant amount were £60, plus 3s. 9d. for each pound of the relevant amount in excess of £60.   |
| does exceed £210, but does not exceed £360. | the same deduction as if the relevant amount were £210, plus 1s. 9d. for each pound of the relevant amount in excess of £210. |
| exceeds £360                                | ... the same deduction as if the relevant amount were £360.                                                                   |

Where the relevant amount is not an exact multiple of one pound there shall, for the additional fraction of a pound, be made to the deduction specified in the second column of this

Table an addition proportionate to the addition which would be made for a complete pound.

(2) Where the income of an individual includes both earned income of his wife and other income available for relief under subsection (1) of this section the further deduction under the said subsection (1) shall (where necessary) be increased so as to equal the sum of—

- (a) the deduction which would be made if the relevant amount referred to in the above Table were equal to the amount of the earned income of the wife available for relief under the said subsection (1); and
- (b) the deduction which would be made if the relevant amount so referred to were equal to the other income available for relief under the said subsection (1)."

Short title, etc. 3.—(1) This Act may be cited as the Finance Act, 1955.

(2) This Act shall be construed as one with the Income Tax Acts.

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

Section 2.

## SCHEDULE

### REPEALS

| Session and Chapter                | Short Title               | Extent of Repeal                                                                                                                                                                                                     |
|------------------------------------|---------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 15 & 16 Geo. 6 & 1 Eliz. 2. c. 10. | The Income Tax Act, 1952. | In subsection (3) of section two hundred and twelve, the word "and" at the end of paragraph (a), the words following it except the concluding paragraph, and in the concluding paragraph the words "and emoluments". |
| 15 & 16 Geo. 6 & 1 Eliz. 2. c. 33. | The Finance Act, 1952.    | Section fourteen, except subsections (3) and (5).                                                                                                                                                                    |
| 1 & 2 Eliz. 2. c. 34.              | The Finance Act, 1953.    | Subsection (2) of section twelve; in section fourteen, subsection (2) and subsection (3) from the words "and for the reference" onwards.                                                                             |



## CHAPTER 16

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March, one thousand nine hundred and fifty-six and to appropriate the supplies granted in this Session of Parliament. [6th May, 1955]

Most Gracious Sovereign,

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

### GRANT OUT OF CONSOLIDATED FUND

1. The Treasury may issue out of the Consolidated Fund of the United Kingdom, and apply towards making good the supply granted to Her Majesty for the service of the year ending on the thirty-first day of March, one thousand nine hundred and fifty-six, the sum of two thousand four hundred and fifty-one million, nine hundred and eighty-six thousand, and forty-five pounds. Issue of £2,451,986,045 out of the Consolidated Fund for the service of the year ending 31st March, 1956

2.—(1) The Treasury may borrow from any person, by the issue of Treasury Bills or otherwise, and the Bank of England and the Bank of Ireland may advance to the Treasury on the credit of the said sum, any sum or sums not exceeding in the whole two thousand four hundred and fifty-one million, nine hundred and eighty-six thousand, and forty-five pounds. Power for the Treasury to borrow.

(2) The date of payment of any Treasury Bills issued under this section shall be a date not later than the thirty-first day of March, one thousand nine hundred and fifty-six, and section six of the Treasury Bills Act, 1877 (which relates to the renewal of bills) shall not apply with respect to those bills. 40 & 41 Vict. c. 2.

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

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

#### APPROPRIATION OF GRANTS

Appropriation of sums voted for supply services.

3. All sums granted by this Act and the other Act mentioned in Schedule (A) annexed to this Act out of the said Consolidated Fund towards making good the supply granted to Her Majesty amounting, as appears by the said schedule, in the aggregate, to the sum of four thousand one hundred and fifty-eight million, five hundred and forty-nine thousand and five pounds, seven shillings and eleven pence are appropriated, and shall be deemed to have been appropriated as from the date of the passing of the Acts mentioned in the said Schedule (A), for the services and purposes expressed in Schedule (B) annexed hereto.

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

54 & 55 Vict. c. 24.

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

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

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

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

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

5.—(1) A person shall not receive any payment out of a grant which may be made in pursuance of this Act for half-pay or Navy, Army, Air, or Civil non-effective services, until he has subscribed such declaration as may from time to time be prescribed by a warrant of the Treasury before one of the persons prescribed by the warrant: Declaration required in certain cases before receipt of sums appropriated.

Provided that the Treasury may dispense with the production of a declaration under this section in respect of any payment if either—

- (a) such a declaration has been subscribed within a period of twelve calendar months preceding the date of the payment, or such longer period as the Treasury may in any particular case or class of cases allow; or
- (b) the payment is made through a banker who has entered into an undertaking in such form as may be approved by the Treasury with respect to the notification of circumstances coming to the knowledge of the banker which might affect the right to such payments of the person to whom the payment is made.

(2) Any person who makes a declaration for the purpose of this section knowing the same to be untrue in any material particular shall be guilty of a misdemeanour.

6. This Act may be cited for all purposes as the Appropriation Short title Act, 1955.

## ABSTRACT

OF

SCHEDULES (A) and (B) to which this  
Act refers.

Section 3.

### SCHEDULE (A)

Grants out of the Consolidated Fund ...      ...      £      s.      d.  
4,158,549,005      7      11

Section 3.

### SCHEDULE (B).—APPROPRIATION OF GRANTS

|                                                                           | Sums not exceeding |         |                          |         |
|---------------------------------------------------------------------------|--------------------|---------|--------------------------|---------|
|                                                                           | Supply Grants      |         | Appropriations<br>in Aid |         |
|                                                                           | £                  | s.   d. | £                        | s.   d. |
| 1953-54 and 1954-55                                                       |                    |         |                          |         |
| Part 1. Civil (Excesses),<br>1953-54                                      | 148                | 7   11  | 75,446                   | 7   1   |
| Part 2. Civil and Revenue<br>Departments<br>(Supplemen-<br>tary), 1954-55 | 38,323,612         | 0   0   | 3,578,101                | 0   0   |
| £                                                                         | 38,323,760         | 7   11  | 3,653,547                | 7   1   |

SCHEDULE (B).—APPROPRIATION OF GRANTS—*continued*SCHED. (B).  
Appropriation  
of Grants.

| 1955-56                                          | Sums not exceeding   |          |           |                          |          |          |
|--------------------------------------------------|----------------------|----------|-----------|--------------------------|----------|----------|
|                                                  | Supply Grants        |          |           | Appropriations<br>in Aid |          |          |
|                                                  | £                    | s.       | d.        | £                        | s.       | d.       |
| <b>Part 3. Ministry of<br/>Defence</b>           | 18,300,000           | 0        | 0         | 537,500                  | 0        | 0        |
| „ 4. Navy ... ..                                 | 340,500,000          | 0        | 0         | 51,050,000               | 0        | 0        |
| „ 5. Army ... ..                                 | 474,000,100          | 0        | 0         | 68,750,000               | 0        | 0        |
| „ 6. Air ... ..                                  | 513,900,000          | 0        | 0         | 107,453,100              | 0        | 0        |
| <b>TOTAL, DEFENCE ...£</b>                       | <b>1,346,700,100</b> | <b>0</b> | <b>0</b>  | <b>227,790,600</b>       | <b>0</b> | <b>0</b> |
| <b>Part 7. Civil, Class I ...</b>                | <b>21,344,422</b>    | <b>0</b> | <b>0</b>  | <b>9,321,460</b>         | <b>0</b> | <b>0</b> |
| „ 8. Civil, Class II ...                         | 97,319,150           | 0        | 0         | 1,816,610                | 0        | 0        |
| „ 9. Civil, Class III ...                        | 81,741,105           | 0        | 0         | 11,075,905               | 0        | 0        |
| „ 10. Civil, Class IV ...                        | 372,360,034          | 0        | 0         | 22,467,016               | 0        | 0        |
| „ 11. Civil, Class V ...                         | 638,730,786          | 0        | 0         | 86,428,910               | 0        | 0        |
| „ 12. Civil, Class VI ...                        | 226,351,689          | 0        | 0         | 105,981,220              | 0        | 0        |
| „ 13. Civil, Class VII... ..                     | 65,302,385           | 0        | 0         | 16,734,075               | 0        | 0        |
| „ 14. Civil, Class VIII                          | 385,624,914          | 0        | 0         | 66,575,415               | 0        | 0        |
| „ 15. Civil, Class IX ...                        | 136,751,190          | 0        | 0         | 13,220,870               | 0        | 0        |
| „ 16. Civil, Class X ...                         | 437,253,570          | 0        | 0         | 20,908,810               | 0        | 0        |
| <b>TOTAL, CIVIL ...£</b>                         | <b>2,462,779,245</b> | <b>0</b> | <b>0</b>  | <b>354,530,291</b>       | <b>0</b> | <b>0</b> |
| <b>Part 17. Revenue Depart-<br/>ments ... ..</b> | <b>310,745,900</b>   | <b>0</b> | <b>0</b>  | <b>19,765,105</b>        | <b>0</b> | <b>0</b> |
| <b>GRAND TOTAL ...£</b>                          | <b>4,158,549,005</b> | <b>7</b> | <b>11</b> | <b>605,739,543</b>       | <b>7</b> | <b>1</b> |

SCHED. (A).

## SCHEDULE (A)

## GRANTS OUT OF THE CONSOLIDATED FUND

|                                                                       | £                     | s.       | d.        |
|-----------------------------------------------------------------------|-----------------------|----------|-----------|
| For the service of the year ended on the 31st day<br>of March, 1954—  |                       |          |           |
| Under Act 3 & 4 Eliz. 2. c. 3     ...     ...                         | 148                   | 7        | 11        |
| For the service of the year ended on the 31st day<br>of March, 1955—  |                       |          |           |
| Under Act 3 & 4 ELIZ. 2. c. 3     ...     ...                         | 38,323,612            | 0        | 0         |
| For the service of the year ending on the 31st day<br>of March, 1956— |                       |          |           |
| Under Act 3 & 4 Eliz. 2. c. 3     ...     ...                         | 1,668,239,200         | 0        | 0         |
| Under this Act     ...     ...     ...     ...                        | 2,451,986,045         | 0        | 0         |
| TOTAL     ...     ...     ...     ...                                 | <u>£4,158,549,005</u> | <u>7</u> | <u>11</u> |

## SCHEDULE (B).—PART 1

SCHED. (B).  
Part 1.  
Civil (Excesses),  
1953-54

## CIVIL (EXCESSES), 1953-54

SUMS granted, and sums which may be applied as appropriations in aid in addition thereto, to make good excesses on certain grants for Civil Services for the year ended on the 31st day of March 1954, viz.:—

|                                                                                | Sums not exceeding |       |                       |       |
|--------------------------------------------------------------------------------|--------------------|-------|-----------------------|-------|
|                                                                                | Supply Grants      |       | Appropriations in Aid |       |
|                                                                                | £                  | s. d. | £                     | s. d. |
| Class I                                                                        |                    |       |                       |       |
| Vote.                                                                          |                    |       |                       |       |
| 7. Charity Commission -                                                        | 138                | 7 11  | 417                   | 18 8  |
| Class VI                                                                       |                    |       |                       |       |
| 11. Ministry of Supply<br>(Assistance to Industry,<br>Scrap Recovery, &c.) - - | 10                 | 0 0   | 75,028                | 8 5   |
| Total, Civil (Excesses),<br>1953-54 - -£                                       | 148                | 7 11  | 75,446                | 7 1   |

SCHED. (B).  
PART 2.  
Civil and  
Revenue  
Departments  
(Supple-  
mentary),  
1954-55.

SCHEDULE (B).—PART 2

CIVIL AND REVENUE DEPARTMENTS (SUPPLEMENTARY), 1954-55

SCHEDULE OF SUPPLEMENTARY SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges for the Services herein particularly mentioned for the year ended on the 31st day of March 1955, viz.:—

| Vote. | CIVIL<br>CLASS I                                                                                                                                                                                                                                       | Sums not exceeding |                       |
|-------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|       |                                                                                                                                                                                                                                                        | Supply Grants      | Appropriations in Aid |
|       |                                                                                                                                                                                                                                                        | £                  | £                     |
| 1.    | For the salaries and expenses of the House of Lords - - - -                                                                                                                                                                                            | 10                 | 1,540                 |
| 4.    | For the salaries and other expenses in the Department of Her Majesty's Treasury and subordinate departments, the additional salary payable to the Chancellor of the Duchy of Lancaster and the salary and expenses of the Minister without Portfolio - | 15,000             | 17,000                |
| 5.    | For the salaries and expenses of the Department of Her Majesty's most Honourable Privy Council - -                                                                                                                                                     | 325                | 227                   |
| 7.    | For the salaries and expenses of the Charity Commission for England and Wales - - - - -                                                                                                                                                                | 2,381              | —                     |
| 9.    | For the salaries and expenses of the Department of the Comptroller and Auditor General; and remanet expenses of the National Insurance Audit Department - - - -                                                                                        | 1,900              | 6,000                 |
| 10.   | For the salaries and expenses of the Registry of Friendly Societies - -                                                                                                                                                                                | 800                | —                     |
| 11.   | For the salaries and expenses of the Department of the Government Actuary - - - - -                                                                                                                                                                    | 10                 | 800                   |
|       | Carried forward - - - - -                                                                                                                                                                                                                              | 20,426             | 25,567                |



SCHEDULE (B).—PART 2—*continued*

SCHED. (B).  
PART 2.  
Civil and  
Revenue  
Departments  
(Supple-  
mentary),  
1954-55.

| CIVIL— <i>continued</i>                                                                                                                                                                                                                                                                                                     | Supply<br>Grants | Appropriations<br>in Aid |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|--------------------------|
|                                                                                                                                                                                                                                                                                                                             | £                | £                        |
| Brought forward - - -                                                                                                                                                                                                                                                                                                       | 20,426           | 25,567                   |
| <b>CLASS I—<i>continued</i></b>                                                                                                                                                                                                                                                                                             |                  |                          |
| <b>Vote.</b>                                                                                                                                                                                                                                                                                                                |                  |                          |
| 15. For the salaries and expenses of the National Debt Office and Pensions Commutation Board - - -                                                                                                                                                                                                                          | 10               | 90                       |
| 17. For the salaries and expenses of the Public Record Office and of the Office of Land Revenue Records and Inrolments - - - - -                                                                                                                                                                                            | 10               | 3,893                    |
| 24B. For such part of the cost arising during the first three months of 1955 under a scheme for the gradual introduction of equal pay for men and women civil servants as has not been otherwise provided - - - - -                                                                                                         | 234,000          | —                        |
| <b>CLASS II</b>                                                                                                                                                                                                                                                                                                             |                  |                          |
| 2. For sundry grants and services connected with Her Majesty's Foreign Service, including grants in aid -                                                                                                                                                                                                                   | 10               | —                        |
| 4. For grants in aid of expenses of the United Nations and of technical assistance for economic development                                                                                                                                                                                                                 | 300,000          | —                        |
| 6. For sundry Commonwealth services, including certain grants in aid; the salaries and expenses of Pensions Appeal Tribunals in the Republic of Ireland; a grant in aid to the Republic of Ireland in respect of compensation to transferred officers; and certain expenditure in connection with former Burma Services - - | 250,010          | 1,400                    |
| Carried forward - - - -£                                                                                                                                                                                                                                                                                                    | 804,466          | 30,950                   |

SCHED. (B).  
PART 2.  
Civil and  
Revenue  
Departments  
(Supple-  
mentary),  
1954-55.

SCHEDULE (B).—PART 2—continued

| CIVIL—continued         |                                                                                                                                                                                                                                                                                                                                                                                           | Supply<br>Grants | Appropriations<br>in Aid |
|-------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|--------------------------|
|                         |                                                                                                                                                                                                                                                                                                                                                                                           | £                | £                        |
| Brought forward - - -   |                                                                                                                                                                                                                                                                                                                                                                                           | 804,466          | 30,950                   |
| CLASS II—continued      |                                                                                                                                                                                                                                                                                                                                                                                           |                  |                          |
| Vote.                   |                                                                                                                                                                                                                                                                                                                                                                                           |                  |                          |
| 9.                      | For sundry colonial services, including grants in aid; and certain expenditure in connection with the liabilities of the former Government of Palestine - - - - -                                                                                                                                                                                                                         | 3,973,550        | *—12,400                 |
| 10.                     | For the expenses of the Overseas Food Corporation, including a loan to the East African Railways and Harbours Administration - - - - -                                                                                                                                                                                                                                                    | 10               | —                        |
| CLASS III               |                                                                                                                                                                                                                                                                                                                                                                                           |                  |                          |
| 2.                      | For grants and expenses in connection with civil defence, including certain expenditure arising out of the war -                                                                                                                                                                                                                                                                          | 10               | *—367,200                |
| 4.                      | For the salaries and expenses of the office of the Prison Commissioners and of prisons, Borstal institutions and detention centres in England and Wales - - - - -                                                                                                                                                                                                                         | 10               | —                        |
| 8.                      | For such of the salaries and expenses of the Supreme Court of Judicature, Court of Criminal Appeal and Courts-Martial Appeal Court as are not charged on the Consolidated Fund; the salaries and expenses of the Judge Advocate General and the Judge Advocate of the Fleet, Pensions Appeal Tribunals, and the Lands Tribunal; payments to jurors, and trial of election petitions - - - | 10               | 67,490                   |
| 9.                      | For salaries and expenses in connection with the County Courts - -                                                                                                                                                                                                                                                                                                                        | 117,175          | 24,240                   |
| 10.                     | For a grant in aid of the Legal Aid Fund - - - - -                                                                                                                                                                                                                                                                                                                                        | 399,425          | —                        |
| Carried forward - - - £ |                                                                                                                                                                                                                                                                                                                                                                                           | 5,294,656        | *—256,920                |

\* Deficit.

SCHEDULE (B).—PART 2—*continued*

SCHED. (B).  
PART 2.  
Civil and  
Revenue  
Departments  
(Supple-  
mentary),  
1954-55.

| CIVIL— <i>continued</i>     |                                                                                                                                                                                                                                                                                                                                                                                   | Supply<br>Grants | Appropriations<br>in Aid |
|-----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|--------------------------|
|                             |                                                                                                                                                                                                                                                                                                                                                                                   | £                | £                        |
| Brought forward - - -       |                                                                                                                                                                                                                                                                                                                                                                                   | 5,294,656        | *—256,920                |
| CLASS III— <i>continued</i> |                                                                                                                                                                                                                                                                                                                                                                                   |                  |                          |
| Vote.                       |                                                                                                                                                                                                                                                                                                                                                                                   |                  |                          |
| 11.                         | For the salaries and expenses of the office of Land Registry - - -                                                                                                                                                                                                                                                                                                                | 10               | 21,490                   |
| 14.                         | For certain miscellaneous legal expenses - - - - -                                                                                                                                                                                                                                                                                                                                | 3,000            | —                        |
| 17.                         | For salaries and expenses in connection with the administration of Scottish prisons, including the maintenance of criminal lunatics - -                                                                                                                                                                                                                                           | 44,400           | 3,000                    |
| 20.                         | For the salaries and expenses of the State Management Districts in Scotland, including the cost of provision and management of licensed premises                                                                                                                                                                                                                                  | 10               | 16,990                   |
| 22.                         | For the salaries and expenses of the Lord Advocate's Department and other law charges, including the provision of free legal assistance, and the salaries and expenses of the Courts of Law and Justice and of Pensions Appeal Tribunals - -                                                                                                                                      | 10               | 12,400                   |
| 23.                         | For the salaries and expenses of the Department of the Registers of Scotland - - - - -                                                                                                                                                                                                                                                                                            | 10               | 6,945                    |
| 24.                         | For such of the salaries and expenses of the Supreme Court of Judicature and Court of Criminal Appeal of Northern Ireland as are not charged on the Consolidated Fund, the salaries and expenses of Pensions Appeal Tribunals in Northern Ireland, and other expenses, including certain expenses in connection with land purchase in Northern Ireland and a grant in aid - - - - | 1,460            | 160                      |
| Carried forward - - - -£    |                                                                                                                                                                                                                                                                                                                                                                                   | 5,343,556        | *—195,935                |

\* Deficit.

SCHED. (B).  
PART 2.  
Civil and  
Revenue  
Departments  
(Supple-  
mentary),  
1954-55

SCHEDULE (B).—PART 2—*continued*

| CIVIL— <i>continued</i>  |                                                                                                                                                                                                                                                                              | Supply<br>Grants | Appropriations<br>in Aid |
|--------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|--------------------------|
|                          |                                                                                                                                                                                                                                                                              | £                | £                        |
| Brought forward - - -    |                                                                                                                                                                                                                                                                              | 5,343,556        | *—195,935                |
| CLASS IV                 |                                                                                                                                                                                                                                                                              |                  |                          |
| Vote.                    |                                                                                                                                                                                                                                                                              |                  |                          |
| 1.                       | For the salaries and expenses of the Ministry of Education, and of the various establishments connected therewith, including sundry grants in aid, grants in connection with physical training and recreation, and grants to approved associations for Youth Welfare - - - - | 4,948,000        | *—2,404,000              |
| 3.                       | For the salaries and expenses of the British Museum (Natural History), including a grant in aid - - -                                                                                                                                                                        | 4,820            | —                        |
| 4.                       | For the salaries and expenses of the Imperial War Museum, including a grant in aid - - - - -                                                                                                                                                                                 | 10               | 190                      |
| 5.                       | For the salaries and expenses of the London Museum, including a grant in aid - - - - -                                                                                                                                                                                       | 200              | —                        |
| 6.                       | For the salaries and expenses of the National Gallery, including a grant in aid - - - - -                                                                                                                                                                                    | 250              | —                        |
| 6A.                      | For the salaries and expenses of the Tate Gallery, Millbank, including a grant in aid - - - - -                                                                                                                                                                              | 1,750            | —                        |
| 7.                       | For the salaries and expenses of the National Maritime Museum, including a grant in aid - - - -                                                                                                                                                                              | 2,620            | 50                       |
| 9.                       | For the salaries and expenses of the Wallace Collection - - - -                                                                                                                                                                                                              | 900              | *— 500                   |
| Carried forward - - - -£ |                                                                                                                                                                                                                                                                              | 10,302,106       | *—2,600,195              |

\* Deficit

SCHEDULE (B).—PART 2—*continued*

SCHED. (B).  
PART 2.  
Civil and  
Revenue  
Departments  
(Supple-  
mentary),  
1954-55.

| CIVIL— <i>continued</i>    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Supply<br>Grants | Appropriations<br>in Aid |
|----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|--------------------------|
|                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | £                | £                        |
| Brought forward - - -      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 10,302,106       | *—2,600,195              |
| CLASS IV— <i>continued</i> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                  |                          |
| <b>Vote.</b>               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                  |                          |
| 11.                        | For a grant in aid of the expenses of, for loans to, and for grants for endowing certain chairs and readerships at, universities, colleges, &c., in Great Britain, and the cost of certain post-graduate studentships -                                                                                                                                                                                                                                                                                                                                                                                         | 1,246,000        | —                        |
| 13.                        | For public education in Scotland, including grants in aid of the Education (Scotland) Fund; the Royal Scottish Museum, Edinburgh, the education of Poles, and other educational services, including certain grants in aid - - - -                                                                                                                                                                                                                                                                                                                                                                               | 697,574          | *—332,674                |
| 15.                        | For the salaries and expenses of the National Library, Scotland, including a grant in aid - - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 617              | —                        |
| CLASS V                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                  |                          |
| 1.                         | For the salaries and expenses of the Ministry of Housing and Local Government, Rent Control Tribunals, Local Valuation Panels and Courts, and the National Parks Commission; grants and other expenses in connection with water supply, sewerage, coast protection, flood emergency, and certain civil defence services; grants and other payments in connection with planning and re-development, town development, national parks, &c.; grants to development corporations established for the purposes of new towns; a contribution to the Ironstone Restoration Fund; remanet and sundry other services - - | 1,455,350        | 100,000                  |
| Carried forward - - - -£   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 13,701,647       | *—2,832,869              |

\* Deficit.

SCHED. (B).  
PART 2.  
Civil and  
Revenue  
Departments  
(Supple-  
mentary),  
1954-55.

SCHEDULE (B).—PART 2—*continued*

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Supply Grants | Appropriations in Aid |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|-----------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | £             | £                     |
| <b>CIVIL—<i>continued</i></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |               |                       |
| Brought forward - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 13,701,647    | *—2,832,869           |
| <b>CLASS V—<i>continued</i></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |               |                       |
| <b>Vote.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |               |                       |
| 2. For grants and other payments in respect of the provision and improvement of housing accommodation, and of food and other services in relation to emergency housing, in England and Wales- - - -                                                                                                                                                                                                                                                                                                     | 10            | 2,438,990             |
| 4. For the salaries and expenses of the Ministry of Health and the Board of Control; expenditure on the Polish health services; measures for civil defence; port health administration; residential accommodation for the aged, infirm, &c.; purchases on repayment for other Government Departments; and sundry other services, including a grant in aid of the expenses of the World Health Organisation - - - -                                                                                      | 10            | *—352,000             |
| 5. For the provision of a comprehensive health service for England and Wales and other services connected therewith, including medical services for pensioners, &c., disabled as a result of war, or of service in the Armed Forces after the 2nd day of September 1939, the treatment abroad of respiratory tuberculosis, certain training arrangements, the purchase of appliances, equipment, stores, &c., necessary for the services, and certain expenses in connection with civil defence - - - - | 4,848,000     | 705,000               |
| Carried forward - - - -£                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 18,549,667    | *—40,879              |

\* Deficit.

SCHEDULE (B).—PART 2—*continued*

SCHED. (B).  
PART 2.  
Civil and  
Revenue  
Departments  
(Supple-  
mentary),  
1954-55.

| CIVIL— <i>continued</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Supply<br>Grants | Appropriations<br>in Aid |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|--------------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | £                | £                        |
| Brought forward - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 18,549,667       | *—40,879                 |
| <b>CLASS V—<i>continued</i></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                  |                          |
| <b>Vote</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                  |                          |
| 6. For a grant in aid of the Medical Research Council, and for a grant to the Council in respect of research schemes under Conditional Aid arrangements - - - - -                                                                                                                                                                                                                                                                                                                                                    | 27,760           | —                        |
| 7. For the salaries and expenses of the Department of the Registrar General                                                                                                                                                                                                                                                                                                                                                                                                                                          | 4,000            | 1,400                    |
| 9. For the salaries and expenses of the War Damage Commission - -                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 10               | 4,990                    |
| 11. For the provision of a comprehensive health service for Scotland and other services connected therewith, including medical services for pensioners, &c., disabled as a result of war, or of service in the Armed Forces after the 2nd day of September 1939, the treatment abroad of respiratory tuberculosis, certain training arrangements, the purchase of appliances, equipment, stores, &c., necessary for the services, certain expenses in connection with civil defence, and sundry other services - - - | 1,233,000        | 161,000                  |
| 12. For grants and other payments in respect of the provision and improvement of housing accommodation in Scotland - - - - -                                                                                                                                                                                                                                                                                                                                                                                         | 111,000          | *—98,550                 |
| 13. For Exchequer Grants and certain other grants to local authorities in Scotland - - - - -                                                                                                                                                                                                                                                                                                                                                                                                                         | 127,200          | —                        |
| Carried forward - - - -£                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 20,052,637       | 27,961                   |

\* Deficit.

B\*

SCHED. (B).  
PART 2.  
Civil and  
Revenue  
Departments  
(Supple-  
mentary),  
1954-55.

SCHEDULE (B).—PART 2—*continued*

| CIVIL— <i>continued</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Supply<br>Grants | Appropriations<br>in Aid |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|--------------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | £                | £                        |
| Brought forward - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 20,052,637       | 27,961                   |
| CLASS VI                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                  |                          |
| Vote.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                  |                          |
| 1. For the salaries and expenses of the office of the Committee of Privy Council for Trade and subordinate departments, including assistance and subsidies to certain industries; certain grants in aid; and other services - - - - -                                                                                                                                                                                                                                                                                                                                                         | 23,700           | *—43,750                 |
| 5. For payments under Special Guarantees given in the national interest by the Board of Trade on which consultation with the Export Guarantees Advisory Council is not required, and for a special payment in connection therewith - - - - -                                                                                                                                                                                                                                                                                                                                                  | 10               | —                        |
| 7. For the salaries and expenses of the Ministry of Labour and National Service, including expenses in connection with employment exchanges and the inspection of factories; expenses, including grants and loans, in connection with employment services, training, transfer, rehabilitation and resettlement; expenses in connection with national service; repayment of loan charges in respect of employment schemes; expenses of the Industrial Court and the Industrial Disputes Tribunal; a grant in aid of the International Labour Organisation; and sundry other services - - - - - | 890,000          | *—1,037,000              |
| Carried forward - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | -£ 20,966,347    | *—1,052,789              |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                  | * Deficit.               |



SCHEDULE (B).—PART 2—*continued*

SCHED. (B).  
PART 2.  
Civil and  
Revenue  
Departments  
(Supple-  
mentary),  
1954-55.

| CIVIL— <i>continued</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Supply<br>Grants | Appropriations<br>in Aid |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|--------------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | £                | £                        |
| Brought forward - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 20,966,347       | *—1,052,789              |
| CLASS VII                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                  |                          |
| <b>Vote.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                  |                          |
| 1. For the salaries and expenses of the<br>Ministry of Works - - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 720,000          | *—420,000                |
| 12. For the construction of a harbour of<br>refuge at Peterhead - - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 1,600            | —                        |
| CLASS VIII                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                  |                          |
| 3. For grants, grants in aid and expenses<br>in connection with services to agri-<br>culture; including land drainage and<br>rehabilitation of land damaged by<br>flood and tempest; purchase,<br>development and management of<br>land, including land settlement and<br>provision of smallholdings; services<br>in connection with livestock, and<br>compensation for slaughter of<br>diseased animals; provision and<br>operation of machinery; training<br>and supplementary labour schemes;<br>control of pests; agricultural educa-<br>tion, research and advisory services;<br>marketing ; and agricultural credits | 1,400,000        | 80,000                   |
| 4. For financial assistance to fishermen<br>and for research and development<br>in connection with fisheries and fish<br>marketing; including grants and<br>loans to the White Fish Authority,<br>and a grant in aid of the White Fish<br>Marketing Fund - - - -                                                                                                                                                                                                                                                                                                                                                           | 10               | —                        |
| 5. For the survey of Great Britain and<br>other mapping services - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 71,200           | 48,800                   |
| Carried forward - - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | £23,159,157      | *—1,343,989              |

\* Deficit.

B\* 2

SCHED. (B).  
PART 2.  
Civil and  
Revenue  
Departments  
(Supple-  
mentary),  
1954-55.

SCHEDULE (B).—PART 2—continued

| <i>CIVIL—continued</i>      |                                                                                                                                                                                                                                                                                                                                                 | Supply<br>Grants | Appropriations<br>in Aid |
|-----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|--------------------------|
|                             |                                                                                                                                                                                                                                                                                                                                                 | £                | £                        |
| Brought forward - - -       |                                                                                                                                                                                                                                                                                                                                                 | 23,159,157       | *—1,343,989              |
| <i>CLASS VIII—continued</i> |                                                                                                                                                                                                                                                                                                                                                 |                  |                          |
| Vote.                       | 6. For the salaries and expenses of the office of the Commissioners of Crown Lands - - - - -                                                                                                                                                                                                                                                    | 5,015            | —                        |
|                             | 9. For a grant in aid of the Forestry Fund                                                                                                                                                                                                                                                                                                      | 350,000          | —                        |
|                             | 10. For the salaries and expenses of the Ministry of Food; for the cost of trading services, including certain subsidies; for direct subsidy payments, including certain payments under agricultural price guarantees; for a grant in aid; and for sundry other services, including certain expenses in connection with civil defence - - - - - | 10               | 492,990                  |
| <i>CLASS IX</i>             |                                                                                                                                                                                                                                                                                                                                                 |                  |                          |
|                             | 1. For the salaries and expenses of the Ministry of Transport and Civil Aviation, including the salaries and expenses of the Coastguard, the Transport and Transport Arbitration Tribunals, and the Air Transport Advisory Council, and sundry other services - - - - -                                                                         | 350,000          | 120,000                  |
|                             | 3. For expenses, including war terminal expenses, in connection with the provision and use of ships for trooping, emigration and other purposes; and in respect of miscellaneous services connected with shipping, seamen, inland transport and ports, including the repair of damage by flood and tempest, and certain special services - - -  | 10               | —                        |
| Carried forward - - - - -   |                                                                                                                                                                                                                                                                                                                                                 | -£ 23,864,192    | *—730,999                |

\* Deficit.

SCHEDULE (B).—PART 2—*continued*

SCHED. (B).  
PART 2.  
Civil and  
Revenue  
Departments  
(Supple-  
mentary),  
1954-55.

| CIVIL— <i>continued</i>                                                                                                                                                                                                                                                                                                                                                                                          | Supply<br>Grants | Appropriations<br>in Aid |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|--------------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                  | £                | £                        |
| Brought forward - - -                                                                                                                                                                                                                                                                                                                                                                                            | 23,864,192       | *—730,999                |
| CLASS IX— <i>continued</i>                                                                                                                                                                                                                                                                                                                                                                                       |                  |                          |
| <b>Vote.</b>                                                                                                                                                                                                                                                                                                                                                                                                     |                  |                          |
| 6. For the supply, storage and distribu-<br>tion of petroleum products and<br>certain other special services of the<br>Ministry of Fuel and Power, inclu-<br>ding expenditure on civil defence;<br>and for a payment to the National<br>Coal Board arising out of the transfer<br>to the Board of responsibility for<br>production and marketing of open-<br>cast coal - - - - -                                 | 10               | —                        |
| 7. For the salaries and expenses of the<br>Office of the Lord President of the<br>Council (Atomic Energy) and for<br>grants and loans to the United<br>Kingdom Atomic Energy Authority<br>in connection with the supply of<br>atomic energy and radioactive sub-<br>stances, including research and<br>development, inspection, storage,<br>disposal and capital and ancillary<br>services related thereto - - - | 10               | —                        |
| CLASS X                                                                                                                                                                                                                                                                                                                                                                                                          |                  |                          |
| 1. For superannuation and other non-<br>effective annual allowances, addi-<br>tional allowances, gratuities, com-<br>passionate allowances, supplementary<br>pensions, and certain other expenses<br>in connection with superannuation<br>in respect of civil employment- -                                                                                                                                      | 100,000          | —                        |
| 2. For the salaries and expenses of the<br>Ministry of Pensions and National<br>Insurance, including certain expenses<br>in connection with national insurance,<br>industrial injuries insurance, family<br>allowances, workmen's compensa-<br>tion, war pensions and sundry other<br>services - - - - -                                                                                                         | 166,000          | 596,100                  |
| Carried forward £                                                                                                                                                                                                                                                                                                                                                                                                | 24,130,212       | *—134,899                |

\* Deficit.

SCHED. (B).  
PART 2.  
Civil and  
Revenue  
Departments  
(Supple-  
mentary),  
1954-55.

SCHEDULE (B).—PART 2—*continued*

| <i>CIVIL—continued</i>                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Supply<br>Grants   | Appropriations<br>in Aid |
|--------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|--------------------------|
|                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | £                  | £                        |
| Brought forward - - -                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 24,130,212         | *—134,899                |
| <i>CLASS X—continued</i>                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                    |                          |
| Vote.                                                                          | 3. For payments in respect of pensions, gratuities and allowances for disablement or death arising out of war, or out of service in the Armed Forces after the 2nd day of September 1939; sundry contributions in respect thereof; a grant in aid; grants to ex-prisoners-of-war and others in respect of the distribution of Japanese assets in the United Kingdom and of proceeds of the sale of the Burma-Siam Railway; and other services including payment of National Service Grants - - - | 6,554,000          | 1,800,000                |
|                                                                                | 5. For the salaries and expenses of the Department of the National Assistance Board and of certain Appeal Tribunals; non-contributory old age pensions, including pensions to blind persons; assistance grants; expenses of reception centres, &c.; and the maintenance of certain classes of Poles in Great Britain - - -                                                                                                                                                                       | 1,000,000          | 150,000                  |
| <b>REVENUE DEPARTMENTS</b>                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                    |                          |
|                                                                                | 1. For the salaries and expenses of the Customs and Excise Department, including a grant in aid - - -                                                                                                                                                                                                                                                                                                                                                                                            | 219,400            | 325,000                  |
|                                                                                | 3. For the salaries and expenses of the Post Office, including telegraphs and telephones, and certain grants in aid                                                                                                                                                                                                                                                                                                                                                                              | 6,420,000          | 1,438,000                |
| <b>TOTAL, CIVIL AND REVENUE DEPARTMENTS<br/>(SUPPLEMENTARY), 1954-55 - - -</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <b>£38,323,612</b> | <b>3,578,101</b>         |

\*Deficit

## SCHEDULE (B).—PART 3

SCHED. (B).  
PART 3.  
Ministry of  
Defence,  
1955-56.

## MINISTRY OF DEFENCE

**SCHEDULE OF SUM** granted, and of the sum which may be applied as appropriations in aid in addition thereto, to defray the charge of the **MINISTRY OF DEFENCE**, which will come in course of payment during the year ending on the 31st day of March 1956, viz.:—

|                                                                                                                                                                                                                                                                                                       | Sums not exceeding |                       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                                                                                                                                                                                                                                                                                                       | Supply Grants      | Appropriations in Aid |
|                                                                                                                                                                                                                                                                                                       | £                  | £                     |
| For the salaries and expenses of the Ministry of Defence; expenses in connection with International Defence Organisations, including an international subscription; and a grant in aid of certain expenses incurred in the United Kingdom by the Government of the United States of America - - - - - | 18,300,000         | 537,500               |

SCHED. (B).  
PART 4.  
Navy,  
1955-56.

SCHEDULE (B).—PART 4

NAVY

**SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the NAVY SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1956, including provision for officers, seamen, boys and Royal Marines, and members of the Women's Royal Naval Service and Queen Alexandra's Royal Naval Nursing Service, to a number not exceeding 133,000, in addition to reserve forces, viz. :—**

| Vote.                                                                                                                       | Sums not exceeding |                       |
|-----------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                                                                                                                             | Supply Grants      | Appropriations in Aid |
|                                                                                                                             | £                  | £                     |
| 1. For the pay, &c., of the Royal Navy and Royal Marines - - - -                                                            | 50,604,000         | 726,000               |
| 2. For victualling and clothing for the Navy, including the cost of victualling establishments at home and abroad - - - - - | 15,945,000         | 4,070,000             |
| 3. For medical services, including the cost of medical establishments at home and abroad - - - - -                          | 1,512,000          | 24,000                |
| 4. For civilians employed on fleet services                                                                                 | 8,031,000          | 25,000                |
| 5. For educational services - - -                                                                                           | 1,099,000          | 135,000               |
| 6. For scientific services, including a grant in aid to the National Institute of Oceanography - -                          | 15,224,000         | 1,314,000             |
| 7. For the Royal Naval Reserve, the Royal Fleet Reserve and the Royal Naval Volunteer Reserve, &c. - -                      | 1,955,000          | 100                   |
| Carried forward - - - -£                                                                                                    | 94,370,000         | 6,294,100             |

SCHEDULE (B).—PART 4—*continued*

SCHED. (B).  
PART 4.  
Navy,  
1955-56.

|                                                                                                                                                                                      | Supply Grants       | Appropriations in Aid |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|-----------------------|
|                                                                                                                                                                                      | £                   | £                     |
| Brought forward - - -                                                                                                                                                                | 94,370,000          | 6,294,100             |
| <b>Vote.</b> 8. Section I. For the personnel for shipbuilding, repairs, maintenance, &c., including the cost of establishments of dockyards and naval yards at home and abroad - - - | 38,834,000          | 231,000               |
| „ Section II. For the matériel for shipbuilding, repairs, maintenance, &c., including the cost of establishments of dockyards and naval yards at home and abroad - - -               | 49,330,000          | 14,086,000            |
| „ Section III. For contract work for shipbuilding, repairs, maintenance, &c. - - - - -                                                                                               | 77,387,000          | 20,065,000            |
| 9. For naval armaments - - -                                                                                                                                                         | 27,845,000          | 4,365,000             |
| 10. For works, buildings and repairs at home and abroad, including the cost of superintendence, purchase of sites, grants and other charges connected therewith - - - - -            | 17,888,000          | 1,335,000             |
| 11. For various miscellaneous effective services - - - - -                                                                                                                           | 10,856,900          | 2,681,900             |
| 12. For the Admiralty Office - - -                                                                                                                                                   | 7,520,000           | 28,000                |
| 13. For non-effective services - - -                                                                                                                                                 | 16,448,000          | 287,000               |
| 14. For the Directorate of Merchant Shipbuilding and Repairs and certain miscellaneous expenses - - -                                                                                | 21,000              | —                     |
| 15. For certain additional married quarters at home - - - - -                                                                                                                        | 100                 | 1,677,000             |
| <b>TOTAL, NAVY SERVICES - - -</b>                                                                                                                                                    | <b>£340,500,000</b> | <b>51,050,000</b>     |

SCHED. (B).  
PART 5.  
Army,  
1955-56.

SCHEDULE (B).—PART 5

ARMY

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the ARMY SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1956, including provision for Land Forces to a number not exceeding 523,000, all ranks, in addition to the Reserve Forces, Territorial Army, Home Guard, Cadet Forces and Malta Territorial Force, viz.:—

| Vote.                                                                                                                                                                                                                                                                                                       | Sums not exceeding  |                       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|-----------------------|
|                                                                                                                                                                                                                                                                                                             | Supply Grants       | Appropriations in Aid |
|                                                                                                                                                                                                                                                                                                             | £                   | £                     |
| 1. For the pay, &c., of the Army - -                                                                                                                                                                                                                                                                        | 119,620,000         | 16,220,000            |
| 2. For the Reserve Forces (to a number not exceeding 310,000, all ranks, including a number not exceeding 300,000 other ranks), Territorial Army (to a number not exceeding 324,400, all ranks), Home Guard (to a number not exceeding 55,000, all ranks), Cadet Forces and Malta Territorial Force - - - - | 19,600,000          | 190,000               |
| 3. For the salaries, wages, &c., of the civilian staff of the War Office- -                                                                                                                                                                                                                                 | 3,380,000           | 50,000                |
| 4. For civilians - - - - -                                                                                                                                                                                                                                                                                  | 64,340,000          | 1,530,000             |
| 5. For movements- - - - -                                                                                                                                                                                                                                                                                   | 30,810,000          | 1,310,000             |
| 6. For supplies, &c. - - - - -                                                                                                                                                                                                                                                                              | 49,470,000          | 14,140,000            |
| 7. For stores - - - - -                                                                                                                                                                                                                                                                                     | 129,000,000         | 26,250,000            |
| 8. For works, buildings and lands - -                                                                                                                                                                                                                                                                       | 30,460,000          | 4,700,000             |
| 9. For miscellaneous effective services -                                                                                                                                                                                                                                                                   | 7,880,000           | 2,120,000             |
| 10. For non-effective services - - -                                                                                                                                                                                                                                                                        | 19,440,000          | 240,000               |
| 11. For certain additional married quarters                                                                                                                                                                                                                                                                 | 100                 | 2,000,000             |
| <b>TOTAL, ARMY SERVICES - -</b>                                                                                                                                                                                                                                                                             | <b>£474,000,100</b> | <b>68,750,000</b>     |



## SCHEDULE (B).—PART 6

## AIR

SCHED. (B).  
PART 6.  
Air,  
1955-56.

**SCHEDULE OF SUMS** granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the AIR SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1956, including provision for officers, airmen and airwomen for Air Force Service to a number not exceeding 272,000, all ranks, in addition to reserve and auxiliary services, viz. :—

| Vote.                                                                                                                                                                                 | Sums not exceeding   |                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-----------------------|
|                                                                                                                                                                                       | Supply Grants        | Appropriations in Aid |
|                                                                                                                                                                                       | £                    | £                     |
| 1. For the pay, &c., of the Air Force -                                                                                                                                               | 88,960,000           | 3,000,000             |
| 2. For the reserve and auxiliary services (to a number not exceeding 230,000, all ranks, for the Royal Air Force Reserve, and 11,000, all ranks, for the Royal Auxiliary Air Force) - | 2,709,900            | 92,100                |
| 3. For the salaries, wages, &c., of civilian staff of the Air Ministry - - -                                                                                                          | 4,490,000            | 186,000               |
| 4. For the salaries, wages, &c., of civilians at outstations - - - - -                                                                                                                | 30,250,000           | 4,898,000             |
| 5. For movements - - - - -                                                                                                                                                            | 13,500,000           | 1,430,000             |
| 6. For supplies - - - - -                                                                                                                                                             | 86,000,000           | 5,830,000             |
| 7. For aircraft and stores - - -                                                                                                                                                      | 227,500,000          | 64,500,000            |
| 8. For works and lands - - - -                                                                                                                                                        | 50,500,000           | 19,100,000            |
| 9. For miscellaneous effective services, including a grant in aid to the Royal Society and a subscription to the World Meteorological Organisation                                    | 4,370,000            | 4,330,000             |
| 10. For non-effective services - - -                                                                                                                                                  | 5,620,000            | 287,000               |
| 11. For certain additional married quarters                                                                                                                                           | 100                  | 3,800,000             |
| <b>TOTAL, AIR SERVICES - - -</b>                                                                                                                                                      | <b>-£513,900,000</b> | <b>107,453,100</b>    |

SCHED. (B).  
PART 7.  
Civil.  
Class I.  
1955-56.

SCHEDULE (B).—PART 7

CIVIL.—CLASS I

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1956, viz.:—

| Vote.                                                                                                                                                                                                                                                           | Sums not exceeding |                       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                                                                                                                                                                                                                                                                 | Supply Grants      | Appropriations in Aid |
|                                                                                                                                                                                                                                                                 | £                  | £                     |
| 1. For the salaries and expenses of the House of Lords - - - -                                                                                                                                                                                                  | 129,276            | 16,487                |
| 2. For the salaries and expenses of the House of Commons, including a grant in aid - - - -                                                                                                                                                                      | 1,119,525          | 5,650                 |
| 3. For expenses in respect of the registration of electors - - - -                                                                                                                                                                                              | 590,000            | —                     |
| 4. For the salaries and other expenses in the Department of Her Majesty's Treasury and subordinate departments, the additional salary payable to the Chancellor of the Duchy of Lancaster, and the salary and expenses of the Minister without Portfolio- - - - | 3,402,509          | 90,600                |
| 5. For the salaries and expenses of the Department of Her Majesty's most Honourable Privy Council - -                                                                                                                                                           | 31,037             | 1,900                 |
| 6. For the salaries and expenses of the Office of the Lord Privy Seal - -                                                                                                                                                                                       | 8,510              | —                     |
| 7. For the salaries and expenses of the Charity Commission for England and Wales - - - -                                                                                                                                                                        | 96,854             | 2,500                 |
| 8. For the salaries and expenses of the Civil Service Commission - -                                                                                                                                                                                            | 396,900            | 60,950                |
| Carried forward - - - -                                                                                                                                                                                                                                         | 5,774,611          | 178,087               |

SCHEDULE (B).—PART 7—*continued*

SCHED. (B).  
PART 7.  
Civil.  
Class I.  
1955-56.

|      |                                                                                                                                                                                                                                           | Supply<br>Grants | Appropriations<br>in Aid |
|------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|--------------------------|
|      |                                                                                                                                                                                                                                           | £                | £                        |
|      | Brought forward - - -                                                                                                                                                                                                                     | 5,774,611        | 178,087                  |
| Vote |                                                                                                                                                                                                                                           |                  |                          |
| 9.   | For the salaries and expenses of the Department of the Comptroller and Auditor General; and remanet expenses of the National Insurance Audit Department - - - -                                                                           | 467,875          | 48,310                   |
| 10.  | For the salaries and expenses of the Registry of Friendly Societies - -                                                                                                                                                                   | 77,080           | 4,500                    |
| 11.  | For the salaries and expenses of the Department of the Government Actuary - - - - -                                                                                                                                                       | 28,932           | 24,950                   |
| 12.  | For the salaries and expenses of the Department of the Government Chemist - - - - -                                                                                                                                                       | 291,283          | 900                      |
| 13.  | For a grant in aid of the Government Hospitality Fund - - - -                                                                                                                                                                             | 55,000           | —                        |
| 14.  | For the salaries and expenses of the Royal Mint, including the withdrawal of coin from circulation, the purchase of metals and production of coinages, medals, badges, dies for postage and other stamps, and Her Majesty's seals - - - - | 100              | 8,547,729                |
| 15.  | For the salaries and expenses of the National Debt Office and Pensions Commutation Board - - -                                                                                                                                            | 3,250            | 40,190                   |
| 16.  | For the salaries and expenses of the National Savings Committee - -                                                                                                                                                                       | 853,975          | —                        |
| 17.  | For the salaries and expenses of the Public Record Office and of the Office of Land Revenue Records and Inrolments - - - - -                                                                                                              | 112,020          | 6,500                    |
| 18.  | For the salaries of the establishment under the Public Works Loan Commission and the expenses of the Commission - - - - -                                                                                                                 | 100              | 56,472                   |
|      | Carried forward - - - -£                                                                                                                                                                                                                  | 7,664,226        | 8,907,638                |

SCHED. (B).  
PART 7.  
Civil.  
Class I.  
1955-56.

SCHEDULE (B).—PART 7—*continued*

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Supply Grants | Appropriations in Aid |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|-----------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | £             | £                     |
| Brought forward - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 7,664,226     | 8,907,638             |
| Vote.<br>19. For the salaries and other expenses of Royal Commissions, committees, special inquiries, &c., including provision for shorthand - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 163,500       | —                     |
| 20. For Her Majesty's foreign and other secret services - - - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 5,000,000     | —                     |
| 21. For the purchase and sale of silver and for handling and storage charges -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 6,159,500     | —                     |
| 22. For the salaries and expenses of the Tithe Redemption Commission -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 100           | 332,800               |
| 23. For a grant in aid of the Lord Mayor's National Flood and Tempest Distress Fund and other Funds - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 150,000       | —                     |
| 24. For certain miscellaneous expenses, including certain grants in aid - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 148,680       | 1,250                 |
| 25. For the salaries and expenses of the Office of the Secretary of State for Scotland and of the Scottish Home Department, and the salary of a Minister of State; grants and expenses in connection with services relating to children and young persons and with probation services; grants in connection with school crossing patrols, physical training, coast protection and services in development areas; a grant to the Legal Aid (Scotland) Fund; expenses, including subsidies, in connection with certain transport services; grants to electricity undertakings in connection with civil defence measures; and sundry other services, including a grant in aid - | 2,021,248     | 71,042                |
| 26. For the salaries and expenses of the Scottish Record Office - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 37,168        | 8,730                 |
| TOTAL, CIVIL, CLASS I - - - -£                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 21,344,422    | 9,321,460             |

## SCHEDULE (B).—PART 8

SCHED. (B).  
PART 8.  
Civil.  
Class II.  
1955-56.

## CIVIL.—CLASS II

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1956, viz.:—

|                                                                                                                                                                                                                                                  | Sums not exceeding |                       |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                                                                                                                                                                                                                                                  | Supply Grants      | Appropriations in Aid |
|                                                                                                                                                                                                                                                  | £                  | £                     |
| <b>Vote.</b>                                                                                                                                                                                                                                     |                    |                       |
| 1. For the salaries and expenses of the Department of Her Majesty's Secretary of State for Foreign Affairs, including Her Majesty's Missions and Consulates abroad, control services in Germany and the salaries of two Ministers of State - - - | 15,157,220         | 1,319,000             |
| 2. For sundry grants and services connected with Her Majesty's Foreign Service, including subscriptions to international organisations and grants in aid - - - - -                                                                               | 23,976,280         | 325,000               |
| 3. For a grant in aid of the British Council                                                                                                                                                                                                     | 1,757,400          | —                     |
| 4. For a subscription to the United Nations and for a grant in aid of technical assistance for economic development - - - - -                                                                                                                    | 1,600,000          | —                     |
| 5. For the salaries and expenses of the Department of Her Majesty's Secretary of State for Commonwealth Relations, including oversea establishments - - - - -                                                                                    | 1,993,723          | 43,200                |
| Carried forward - - - - -                                                                                                                                                                                                                        | £ 44,484,623       | 1,687,200             |

SCHED. (B)  
PART 8.  
Civil.  
Class II.  
1955-56.

SCHEDULE (B).—PART 8—*continued*

|                                                                                                                                                                                                                                                                                                                                                                              | Supply Grants | Appropriations in Aid |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|-----------------------|
|                                                                                                                                                                                                                                                                                                                                                                              | £             | £                     |
| Brought forward - - -                                                                                                                                                                                                                                                                                                                                                        | 44,484,623    | 1,687,200             |
| <b>Vote.</b>                                                                                                                                                                                                                                                                                                                                                                 |               |                       |
| 6. For sundry Commonwealth services, including subscriptions to certain international organisations and a grant in aid; the salaries and expenses of Pensions Appeal Tribunals in the Republic of Ireland; a grant to the Republic of Ireland in respect of compensation to transferred officers; and certain expenditure in connection with former Burma services - - - - - | 1,844,616     | 12,700                |
| 7. For expenses connected with oversea settlement, including grants in aid -                                                                                                                                                                                                                                                                                                 | 200,050       | 550                   |
| 8. For the salaries and expenses of the Department of Her Majesty's Secretary of State for the Colonies, and the salary of the Minister of State for Colonial Affairs - - -                                                                                                                                                                                                  | 1,140,428     | 28,560                |
| 9. For sundry Colonial services, including subscriptions to certain international organisations and grants in aid; and certain expenditure in connection with the liabilities of the former Government of Palestine- - -                                                                                                                                                     | 29,456,683    | 82,600                |
| 10. For schemes made under the Colonial Development and Welfare Acts for the development of the resources of colonies, protectorates, protected states and trust territories, and the welfare of their peoples - - -                                                                                                                                                         | 18,000,000    | 5,000                 |
| Carried forward - - -                                                                                                                                                                                                                                                                                                                                                        | £ 95,126,400  | 1,816,610             |

SCHEDULE (B).—PART 8—*continued*

SCHED. (B).  
PART 8.  
Civil.  
Class II.  
1955-56.

|                                                                                                                                                                                                                                                          | Supply<br>Grants  | Appropriations<br>in Aid |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|--------------------------|
|                                                                                                                                                                                                                                                          | £                 | £                        |
| Brought forward - - -                                                                                                                                                                                                                                    | 95,126,400        | 1,816,610                |
| <b>Vote.</b>                                                                                                                                                                                                                                             |                   |                          |
| <b>11. For schemes made under the Colonial Development and Welfare Acts for the development of the resources of the Federation of Rhodesia and Nyasaland, and of the South African High Commission Territories, and the welfare of their peoples - -</b> | 1,050,000         | —                        |
| <b>12. For certain expenses of the Imperial War Graves Commission, including purchase of land in the United Kingdom and a grant in aid - -</b>                                                                                                           | 1,142,750         | —                        |
| <b>TOTAL, CIVIL, CLASS II - -£</b>                                                                                                                                                                                                                       | <b>97,319,150</b> | <b>1,816,610</b>         |

SCHED. (B)  
PART 9.  
Civil.  
Class III  
1955-56

SCHEDULE (B).—PART 9

CIVIL.—CLASS III

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1956, viz.:—

| Vote.                                                                                                                                                                                                                                                                                                                                                                                       | Sums not exceeding |                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                                                                                                                                                                                                                                                                                                                                                                                             | Supply Grants      | Appropriations in Aid |
|                                                                                                                                                                                                                                                                                                                                                                                             | £                  | £                     |
| 1. For the salaries and expenses of the office of Her Majesty's Secretary of State for the Home Department and Minister for Welsh Affairs and subordinate offices; grants towards the expenses of the probation of offenders, of magistrates' courts and of school crossing patrols; certain grants in aid; and sundry services, including certain services arising out of the war- - - - - | 4,130,496          | 1,251,975             |
| 2. For grants and expenses in connection with civil defence, including certain expenditure arising out of the war -                                                                                                                                                                                                                                                                         | 10,918,620         | 559,000               |
| 3. For expenses in connection with the police services in England and Wales, including the cost of inspection and training; grants in respect of expenditure incurred by police authorities; a subscription to the International Criminal Police Commission; and fees to deputy metropolitan magistrates - - - - -                                                                          | 34,920,704         | 239,105               |
| 4. For the salaries and expenses of the office of the Prison Commissioners and of prisons, Borstal institutions and detention centres in England and Wales - - - - -                                                                                                                                                                                                                        | 8,238,328          | 1,887,000             |
| Carried forward - - - - -                                                                                                                                                                                                                                                                                                                                                                   | £ 58,208,148       | 3,937,080             |



## SCHEDULE (B).—PART 9—continued

SCHED. (B).  
PART 9.  
Civil.  
Class III.  
1955-56.

|                                                                                                                                                                                                                                                                                                                                                                                              | Supply Grants | Appropriations in Aid |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|-----------------------|
|                                                                                                                                                                                                                                                                                                                                                                                              | £             | £                     |
| Brought forward - - -                                                                                                                                                                                                                                                                                                                                                                        | 58,208,148    | 3,937,080             |
| <b>Vote.</b>                                                                                                                                                                                                                                                                                                                                                                                 |               |                       |
| 5. For grants in respect of the expenses of the managers of approved schools in England and Wales; grants to local authorities in respect of their expenditure in connection with the care and welfare of children and young persons; grants towards the expenses of voluntary homes; and expenses in connection with training in child care - - - - -                                       | 8,740,400     | 740,100               |
| 6. For expenses in connection with the fire services in England and Wales, including the cost of inspection and training, and grants in respect of expenditure incurred by fire authorities; for certain superannuation and other expenses; and for remanet expenditure in connection with the National Fire Service, England and Wales - - - - -                                            | 4,722,389     | 17,500                |
| 7. For the salaries and expenses of the Carlisle State Management District, including the cost of provision and management of licensed premises -                                                                                                                                                                                                                                            | 100           | 1,551,928             |
| 8. For such of the salaries and expenses of the Supreme Court of Judicature, Court of Criminal Appeal and Courts-Martial Appeal Court as are not charged on the Consolidated Fund; the salaries and expenses of the Judge Advocate General and the Judge Advocate of the Fleet, Pensions Appeal Tribunals, and the Lands Tribunal; payments to jurors, and trial of election petitions - - - | 3,934         | 1,614,363             |
| Carried forward - - - -£                                                                                                                                                                                                                                                                                                                                                                     | 71,674,971    | 7,860,971             |

SCHED. (B).  
PART 9.  
Civil.  
Class III  
1955-56.

SCHEDULE (B).—PART 9—*continued*

|                                                                                                                                                                                                                                                                                                                                                                                                             | Supply<br>Grants | Appropriations<br>in Aid |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|--------------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                             | £                | £                        |
| Brought forward - - -                                                                                                                                                                                                                                                                                                                                                                                       | 71,674,971       | 7,860,971                |
| Vote.<br>9. For salaries and expenses in connection<br>with the County Courts - - -                                                                                                                                                                                                                                                                                                                         | 495,935          | 904,470                  |
| 10. For a grant to the Legal Aid Fund -                                                                                                                                                                                                                                                                                                                                                                     | 1,556,125        | —                        |
| 11. For the salaries and expenses of the<br>office of Land Registry - - -                                                                                                                                                                                                                                                                                                                                   | 100              | 746,270                  |
| 12. For the salaries and expenses of the<br>office of Public Trustee - - -                                                                                                                                                                                                                                                                                                                                  | 100              | 441,900                  |
| 13. For the salaries and expenses of the<br>Law Officers' Department; the<br>salaries and expenses of the Depart-<br>ment of Her Majesty's Procurator-<br>General and Solicitor for the Affairs<br>of Her Majesty's Treasury, and of<br>the Department of the Director of<br>Public Prosecutions; and the costs<br>of prosecutions and other legal<br>proceedings, and of Parliamentary<br>Agency - - - - - | 479,027          | 159,000                  |
| 14. For certain miscellaneous legal ex-<br>penses - - - - -                                                                                                                                                                                                                                                                                                                                                 | 65,135           | —                        |
| 15. For grants and expenses in connection<br>with civil defence in Scotland, in-<br>cluding certain expenditure arising<br>out of the war- - - - -                                                                                                                                                                                                                                                          | 892,359          | 36,000                   |
| 16. For the salary and expenses of the<br>Inspector of Constabulary, the cost<br>of special services, and grants in<br>respect of police expenditure in<br>Scotland- - - - -                                                                                                                                                                                                                                | 3,648,383        | 4,540                    |
| Carried forward - - - -£                                                                                                                                                                                                                                                                                                                                                                                    | 78,812,135       | 10,153,151               |

SCHEDULE (B).—PART 9—*continued*

SCHED. (B).  
PART 9.  
Civil.  
Class III.  
1955-56.

|                                                                                                                                                                                                                                                                                          | Supply<br>Grants | Appropriations<br>in Aid |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|--------------------------|
|                                                                                                                                                                                                                                                                                          | £                | £                        |
| Brought forward - - -                                                                                                                                                                                                                                                                    | 78,812,135       | 10,153,151               |
| <b>Vote.</b>                                                                                                                                                                                                                                                                             |                  |                          |
| 17. For salaries and expenses in connection with the administration of Scottish prisons and Borstal institutions, including the maintenance of criminal lunatics - - - - -                                                                                                               | 720,368          | 128,830                  |
| 18. For grants in respect of the expenses of the managers of approved schools in Scotland - - - - -                                                                                                                                                                                      | 251,400          | 8,500                    |
| 19. For expenses in connection with the fire services in Scotland, including the cost of inspection and training, and grants in respect of expenditure incurred by fire authorities and joint fire committees; and for certain superannuation and other expenses -                       | 458,884          | 2,800                    |
| 20. For the salaries and expenses of the State Management Districts in Scotland, including the cost of provision and management of licensed premises - - - - -                                                                                                                           | 100              | 378,664                  |
| 21. For the salaries and expenses of the Lord Advocate's Department and other law charges, including the provision of free legal assistance, and the salaries and expenses of the Courts of Law and Justice, of the office of the Scottish Land Court and of Pensions Appeal Tribunals - | 251,782          | 237,075                  |
| 22. For the salaries and expenses of the Department of the Registers of Scotland - - - - -                                                                                                                                                                                               | 100              | 144,330                  |
| Carried forward - - - -£                                                                                                                                                                                                                                                                 | 80,494,769       | 11,053,350               |

SCHED. (B).  
PART 9.  
Civil.  
Class III.  
1955-56.

SCHEDULE (B).—PART 9—*continued*

|                                                                                                                                                                                                                                                                                                                                                                                                                                | Supply<br>Grants | Appropriations<br>in Aid |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|--------------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                | £                | £                        |
| Brought forward - - - -                                                                                                                                                                                                                                                                                                                                                                                                        | 80,494,769       | 11,053,350               |
| Vote.<br>23. For such of the salaries and expenses<br>of the Supreme Court of Judicature<br>and Court of Criminal Appeal of<br>Northern Ireland as are not charged<br>on the Consolidated Fund, the<br>salaries and expenses of Pensions<br>Appeal Tribunals in Northern Ire-<br>land, and other expenses, including<br>certain expenses in connection with<br>land purchase in Northern Ireland<br>and a grant in aid - - - - | 57,156           | 22,455                   |
| 24. For charges in connection with land<br>purchase in Northern Ireland, and<br>the expenses of management of<br>guaranteed stocks and bonds issued<br>for the purposes of Irish land<br>purchase - - - -                                                                                                                                                                                                                      | 1,189,180        | 100                      |
| TOTAL, CIVIL, CLASS III - - - -                                                                                                                                                                                                                                                                                                                                                                                                | 81,741,105       | 11,075,905               |

## SCHEDULE (B).—PART 10

## CIVIL.—CLASS IV

SCHED. (B).  
PART 10.  
Civil.  
Class IV.  
1955-56.

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1956, viz.:—

|                                                                                                                                                                                                                                                                                                                              | Sums not exceeding |                       |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                                                                                                                                                                                                                                                                                                                              | Supply Grants      | Appropriations in Aid |
|                                                                                                                                                                                                                                                                                                                              | £                  | £                     |
| <b>Vote.</b>                                                                                                                                                                                                                                                                                                                 |                    |                       |
| 1. For the salaries and expenses of the Ministry of Education, and of the various establishments connected therewith, including sundry grants in aid, a subscription to an international organisation, grants in connection with physical training and recreation, and grants to approved associations for youth welfare - - | 271,286,636        | 19,647,195            |
| 2. For the salaries and expenses of the British Museum, including a grant in aid - - - - -                                                                                                                                                                                                                                   | 462,996            | 59,880                |
| 3. For the salaries and expenses of the British Museum (Natural History), including a grant in aid - - -                                                                                                                                                                                                                     | 325,987            | 6,750                 |
| 4. For the salaries and expenses of the Imperial War Museum, including a grant in aid - - - - -                                                                                                                                                                                                                              | 44,310             | 1,050                 |
| 5. For the salaries and expenses of the London Museum, including a grant in aid - - - - -                                                                                                                                                                                                                                    | 24,615             | 50                    |
| 6. For the salaries and expenses of the National Gallery, including a grant in aid - - - - -                                                                                                                                                                                                                                 | 66,350             | 426                   |
| 7. For the salaries and expenses of the Tate Gallery, Millbank, including a grant in aid - - - - -                                                                                                                                                                                                                           | 48,730             | —                     |
| Carried forward - - -                                                                                                                                                                                                                                                                                                        | £272,259,624       | 19,715,351            |

SCHED. (B).  
PART 10.  
Civil.  
Class IV.  
1955-56.

SCHEDULE (B).—PART 10—*continued*

|       |                                                                                                                                                                                                                                                                                 | Supply Grants | Appropriations in Aid |
|-------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|-----------------------|
|       |                                                                                                                                                                                                                                                                                 | £             | £                     |
|       | Brought forward - - -                                                                                                                                                                                                                                                           | 272,259,624   | 19,715,351            |
| Vote. | 8. For the salaries and expenses of the National Maritime Museum, including a grant in aid - - - -                                                                                                                                                                              | 51,049        | 70                    |
|       | 9. For the salaries and expenses of the National Portrait Gallery, including a grant in aid - - - -                                                                                                                                                                             | 25,952        | 2,220                 |
|       | 10. For the salaries and expenses of the Wallace Collection - - - -                                                                                                                                                                                                             | 33,544        | 3,750                 |
|       | 11. For grants in aid to certain institutions and bodies concerned with science, learning and the arts, and for other services in connection therewith, including a loan - - - -                                                                                                | 1,289,664     | 50                    |
|       | 12. For a grant in aid of the expenses of, and for loans to, universities, colleges, &c., in Great Britain; and for the cost of certain post-graduate student-ships - - - -                                                                                                     | 32,253,300    | 200                   |
|       | 13. For grants and grants in aid to the British Broadcasting Corporation and the Independent Television Authority - - - -                                                                                                                                                       | 28,145,000    | —                     |
|       | 14. For public education in Scotland, including grants in aid and other payments into the Education (Scotland) Fund; for grants in aid and expenses in connection with the Royal Scottish Museum, Edinburgh; for the education of Poles; and for other educational services - - | 38,221,090    | 2,737,908             |
|       | 15. For the salaries and expenses of the National Gallery, Scotland, and the Scottish National Portrait Gallery, including certain grants in aid -                                                                                                                              | 32,232        | 2,400                 |
|       | Carried forward - - -                                                                                                                                                                                                                                                           | £372,311,455  | 22,461,949            |

SCHEDULE (B).—PART 10—*continued*

SCHED. (B).  
PART 10.  
Civil  
Class IV  
1955-56.

|                                                                                                                                     | Supply<br>Grants     | Appropriations<br>in Aid |
|-------------------------------------------------------------------------------------------------------------------------------------|----------------------|--------------------------|
|                                                                                                                                     | £                    | £                        |
| Brought forward - - -                                                                                                               | 372,311,455          | 22,461,949               |
| <b>Vote.</b><br>16. For the salaries and expenses of the<br>National Museum of Antiquities of<br>Scotland, including a grant in aid | 13,868               | 50                       |
| 17. For the salaries and expenses of the<br>National Library, Scotland, includ-<br>ing a grant in aid - - - -                       | 34,711               | 5,017                    |
| <b>TOTAL, CIVIL, CLASS IV -</b>                                                                                                     | <b>-£372,360,034</b> | <b>22,467,016</b>        |

SCHED. (B).  
PART 11.  
Civil.  
Class V.  
1955-56.

SCHEDULE (B).—PART 11

CIVIL.—CLASS V

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1956, viz.:—

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Sums not exceeding |                       |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Supply Grants      | Appropriations in Aid |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | £                  | £                     |
| Vote.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                    |                       |
| 1. For the salaries and expenses of the Ministry of Housing and Local Government, Rent Control Tribunals, Local Valuation Panels and Courts, and the National Parks Commission; grants and other expenses in connection with water supply, sewerage, coast protection, flood emergency, and certain civil defence services; grants and other payments in connection with planning and re-development, town development, new towns, national parks, &c.; a contribution to the Ironstone Restoration Fund; certain grants in aid; and sundry other services - - - - - | 14,033,570         | 624,000               |
| 2. For grants and other payments in respect of the provision, reconditioning, maintenance and improvement of housing accommodation, and services in relation to emergency housing, in England and Wales -                                                                                                                                                                                                                                                                                                                                                            | 60,139,020         | 8,720,100             |
| 3. For Exchequer Equalisation Grants to local authorities in England and Wales - - - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 68,800,000         | —                     |
| Carried forward - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | £142,972,590       | 9,344,100             |



SCHEDULE (B).—PART 11—*continued*

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Supply Grants | Appropriations in Aid |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|-----------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | £             | £                     |
| Brought forward - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 142,972,590   | 9,344,100             |
| <b>Vote.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |               |                       |
| 4. For the salaries and expenses of the Ministry of Health and the Board of Control; expenditure on the Polish health services; measures for civil defence; port health administration; residential accommodation for the aged, infirm, &c.; purchases on repayment for other Government Departments; and sundry other services, including a subscription to the World Health Organisation -                                                                                                              | 3,724,740     | 1,607,900             |
| 5. For the provision of a comprehensive health service for England and Wales and other services connected therewith, including medical services for pensioners, &c., disabled as a result of war, or of service in the Armed Forces after the 2nd day of September 1939, the treatment abroad of respiratory tuberculosis, certain training arrangements, the purchase of appliances, equipment, stores, &c., necessary for the services, and certain expenses in connection with civil defence - - - - - | 411,086,215   | 66,532,000            |
| 6. For a grant in aid of the Medical Research Council, and for a grant to the Council in respect of research schemes under Conditional Aid arrangements - - - - -                                                                                                                                                                                                                                                                                                                                         | 2,186,160     | 17,200                |
| 7. For the salaries and expenses of the Department of the Registrar General                                                                                                                                                                                                                                                                                                                                                                                                                               | 410,567       | 272,000               |
| 8. For the salaries and expenses of the Central Land Board - - -                                                                                                                                                                                                                                                                                                                                                                                                                                          | 749,500       | 6,100                 |
| 9. For the salaries and expenses of the War Damage Commission - -                                                                                                                                                                                                                                                                                                                                                                                                                                         | 837,000       | 216,000               |
| Carried forward - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | £561,966,772  | 77,995,300            |

SCHED. (B).  
PART 11.  
Civil.  
Class V.  
1955-56.

SCHED. (B).  
PART 11.  
Civil.  
Class V.  
1955-56.

SCHEDULE (B).—PART 11—*continued*

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Supply<br>Grants | Appropriations<br>in Aid |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|--------------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | £                | £                        |
| Brought forward - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 561,966,772      | 77,995,300               |
| Vote.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                  |                          |
| 10. For the salaries and expenses of the Department of Health for Scotland and the General Board of Control for Scotland; and for grants and other expenses in connection with water and sewerage services, town and country planning and the creation of new towns; and certain expenses in connection with civil defence and other services - - -                                                                                                                                                                      | 2,048,130        | 91,020                   |
| 11. For the provision of a comprehensive health service for Scotland and other services connected therewith, including medical services for pensioners, &c., disabled as a result of war, or of service in the Armed Forces after the 2nd day of September 1939, the treatment abroad of respiratory tuberculosis, certain training arrangements, the purchase of appliances, equipment, stores, &c., necessary for the services, certain expenses in connection with civil defence, and sundry other services - - - - - | 52,284,040       | 7,986,110                |
| 12. For grants and other payments in respect of the provision, reconditioning, maintenance and improvement of housing accommodation in Scotland - - - - -                                                                                                                                                                                                                                                                                                                                                                | 12,845,500       | 345,820                  |
| 13. For Exchequer Grants to local authorities in Scotland - - - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 9,525,000        | —                        |
| 14. For the salaries and expenses of the Department of the Registrar General of Births, Deaths and Marriages in Scotland - - - - -                                                                                                                                                                                                                                                                                                                                                                                       | 61,344           | 10,660                   |
| TOTAL, CIVIL, CLASS V - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | £638,730,786     | 86,428,910               |

## SCHEDULE (B).—PART 12

## CIVIL.—CLASS VI

SCHED. (B).  
PART 12.  
Civil.  
Class VI.  
1955-56.

SCHEDULE OF SUMS granted and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1956, viz.:—

|                                                                                                                                                                                                                                                    | Sums not exceeding |                       |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                                                                                                                                                                                                                                                    | Supply Grants      | Appropriations in Aid |
|                                                                                                                                                                                                                                                    | £                  | £                     |
| Vote.                                                                                                                                                                                                                                              |                    |                       |
| 1. For the salaries and expenses of the office of the Committee of Privy Council for Trade and subordinate departments, including the Monopolies and Restrictive Practices Commission - - - - -                                                    | 4,145,800          | 1,894,800             |
| 2. For the expenditure of the Board of Trade on assistance and subsidies to certain industries, and on trading and other services; including subscriptions to international organisations and grants in aid - - -                                  | 2,001,459          | 273,600               |
| 3. For expenditure of the Board of Trade in connection with the procurement and maintenance of strategic reserves                                                                                                                                  | 4,198,000          | 10,405,000            |
| 4. For services in Development Areas -                                                                                                                                                                                                             | 6,267,540          | —                     |
| 5. For financial assistance to industrial undertakings in Development Areas, including remanet expenditure in respect of similar assistance in former Special Areas - - - - -                                                                      | 1,012,510          | —                     |
| 6. For the salaries and expenses of the Export Credits Guarantee Department, including a subscription to an international organisation, and for payments under guarantees given after consultation with the Export Guarantees Advisory Council - - | 100                | 6,529,900             |
| Carried forward - - - - -                                                                                                                                                                                                                          | £ 17,625,409       | 19,103,300            |

SCHEDULE (B).—PART 12—*continued*

SCHED. (B).  
PART 12.  
Civil.  
Class VI.  
1955-56.

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Supply<br>Grants | Appropriations<br>in Aid |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|--------------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | £                | £                        |
| Brought forward - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 17,625,409       | 19,103,300               |
| Vote.<br>7. For payments under Special Guarantees given in the national interest by the Board of Trade on which consultation with the Export Guarantees Advisory Council is not required -                                                                                                                                                                                                                                                                                                                                                                                                  | 100              | 446,900                  |
| 8. For the salaries and expenses of the Ministry of Labour and National Service, including expenses in connection with employment exchanges and the inspection of factories; expenses, including grants and loans, in connection with employment services, training, transfer, rehabilitation and resettlement; expenses in connection with national service; repayment of loan charges in respect of employment schemes; expenses of the Industrial Court and the Industrial Disputes Tribunal; a subscription to the International Labour Organisation; and sundry other services - - - - | 20,124,080       | 3,264,020                |
| 9. For the salaries and expenses of the Ministry of Supply for the administration of supply (including research and development, inspection, storage, disposal and capital and ancillary services related thereto); for assistance to industry and for scrap metal recovery; for administrative services in connection with the iron and steel, non-ferrous and light metals and engineering industries; and for miscellaneous services - - - -                                                                                                                                             | 181,488,000      | 33,940,000               |
| 10. For expenditure of the Ministry of Supply on the supply of munitions, aircraft, electronics equipment, common-user and other articles for the Government service, and on miscellaneous supply - - -                                                                                                                                                                                                                                                                                                                                                                                     | 100              | —                        |
| Carried forward - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | £219,237,689     | 56,754,220               |

SCHEDULE (B).—PART 12—*continued*

SCHED. (B).  
PART 12.  
Civil.  
Class VI.  
1955-56.

|                                                                                                                                             | Supply<br>Grants     | Appropriations<br>in Aid |
|---------------------------------------------------------------------------------------------------------------------------------------------|----------------------|--------------------------|
|                                                                                                                                             | £                    | £                        |
| Brought forward - - -                                                                                                                       | 219,237,689          | 56,754,220               |
| <b>Vote.</b>                                                                                                                                |                      |                          |
| 11. For the expenses of operating the<br>Royal Ordnance Factories - -                                                                       | 7,022,000            | 49,209,000               |
| 12. For expenditure of the Ministry of<br>Supply in connection with the pro-<br>curement and maintenance of strategic<br>reserves - - - - - | 92,000               | 18,000                   |
| <b>TOTAL, CIVIL, CLASS VI -</b>                                                                                                             | <b>-£226,351,689</b> | <b>105,981,220</b>       |

SCHED. (B)  
PART 13.  
Civil.  
Class VII.  
1955-56.

SCHEDULE (B).—PART 13

CIVIL.—CLASS VII

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1956, viz.:—

|                                                                                                                                         | Sums not exceeding |                       |
|-----------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                                                                                                                                         | Supply Grants      | Appropriations in Aid |
|                                                                                                                                         | £                  | £                     |
| <b>Vote.</b>                                                                                                                            |                    |                       |
| 1. For the salaries and expenses of the Ministry of Works - - -                                                                         | 7,520,095          | 3,486,260             |
| 2. For expenditure in respect of Houses of Parliament buildings - - -                                                                   | 384,000            | 2,000                 |
| 3. For expenditure in respect of sundry public buildings in the United Kingdom, including a grant in aid, and sundry other services - - | 26,253,000         | 6,563,805             |
| 3A. For the cost of a memorial to the memory of the late Field Marshal Smuts - - - - -                                                  | 16,500             | —                     |
| 4. For expenditure in respect of public buildings overseas - - - -                                                                      | 1,825,000          | 276,000               |
| 5. For expenditure in respect of Royal Palaces, including a grant in aid -                                                              | 491,000            | 35,600                |
| 6. For expenditure in respect of Royal parks and pleasure gardens - -                                                                   | 741,000            | 67,600                |
| 7. For grants and expenses in connection with historic buildings and ancient monuments, including a grant in aid                        | 834,000            | 153,800               |
| 8. For expenditure in respect of miscellaneous works services - - -                                                                     | 100                | 585,110               |
| Carried forward - - - -£                                                                                                                | 38,064,695         | 11,170,175            |

SCHEDULE (B).—PART 13—*continued*

SCHED. (B).  
PART 13.  
Civil.  
Class VII.  
1955-56.

|                                                                                                                                                                                                                                                                                                                                                                                                                                          | Supply<br>Grants | Appropriations<br>in Aid |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|--------------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                          | £                | £                        |
| Brought forward - - - -                                                                                                                                                                                                                                                                                                                                                                                                                  | 38,064,695       | 11,170,175               |
| Vote.<br>9. For rates and contributions in lieu of rates, &c., in respect of property in the occupation of the Crown for the public service, and certain public buildings occupied in part, on repayment, by non-Exchequer bodies; for rates on buildings occupied by representatives of other Commonwealth countries and of foreign powers; and for the salaries and expenses of the Rating of Government Property Department - - - - - | 13,593,590       | 724,500                  |
| 10. For stationery, printing, paper, binding, and printed books for the public service; for the salaries and expenses of the Stationery Office; and for sundry miscellaneous services, including reports of parliamentary debates - - - - -                                                                                                                                                                                              | 12,181,900       | 4,600,000                |
| 11. For the salaries and expenses of the Central Office of Information - -                                                                                                                                                                                                                                                                                                                                                               | 1,425,200        | 239,400                  |
| 12. For the construction of a harbour of refuge at Peterhead - - - -                                                                                                                                                                                                                                                                                                                                                                     | 37,000           | —                        |
| TOTAL, CIVIL, CLASS VII -£                                                                                                                                                                                                                                                                                                                                                                                                               | 65,302,385       | 16,734,075               |

SCHED. (B).  
PART 14.  
Civil.  
Class VIII.  
1955-56.

SCHEDULE (B).—PART 14

CIVIL.—CLASS VIII

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1956, viz.:—

| Vote.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Sums not exceeding |                       |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Supply Grants      | Appropriations in Aid |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | £                  | £                     |
| 1. For the salaries and expenses of the Ministry of Agriculture and Fisheries; of County Agricultural Executive Committees; of the Agricultural Land Commission; of the Royal Botanic Gardens, Kew; and of the White Fish Authority and the Scottish Committee thereof - - -                                                                                                                                                                                                                                                                                                                                                     | 11,344,989         | 154,100               |
| 2. For grants and subsidies to farmers and others for the encouragement of food production and the improvement of agriculture - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 48,174,730         | 2,725                 |
| 3. For grants, grants in aid and expenses in connection with services to agriculture; including land drainage and rehabilitation of land damaged by flood and tempest; purchase, development and management of land, including land settlement and provision of smallholdings; services in connection with livestock, and compensation for slaughter of diseased animals; provision and operation of machinery; training and supplementary labour schemes; control of pests; agricultural education, research and advisory services; marketing; agricultural credits; and subscriptions to international organisations - - - - - | 9,717,580          | 7,257,110             |
| Carried forward - - - -£                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 69,237,299         | 7,413,935             |



## SCHEDULE (B)—PART 14—continued

SCHED. (B).  
PART 14.  
Civil.  
Class VIII.  
1955-56.

|                                                                                                                                                                                                                                                                                                                                                                                                     | Supply<br>Grants | Appropriations<br>in Aid |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|--------------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                     | £                | £                        |
| Brought forward - - -                                                                                                                                                                                                                                                                                                                                                                               | 69,237,299       | 7,413,935                |
| <b>Vote.</b>                                                                                                                                                                                                                                                                                                                                                                                        |                  |                          |
| <b>4.</b> For financial assistance to fishermen and for research and development in connection with fisheries and fish marketing; including grants and loans to the White Fish Authority; a grant in aid of the White Fish Marketing Fund; subscriptions to international organisations; and grants and loans towards the construction, improvement and repair of harbours and fishing facilities - | 3,760,080        | 11,160                   |
| <b>5.</b> For the survey of Great Britain and other mapping services - - -                                                                                                                                                                                                                                                                                                                          | 2,869,250        | 435,300                  |
| <b>6.</b> For the salaries and expenses of the office of the Commissioners of Crown Lands - - - - -                                                                                                                                                                                                                                                                                                 | 94,592           | —                        |
| <b>7.</b> For grants in aid of the Agricultural Research Council and the Nature Conservancy - - - - -                                                                                                                                                                                                                                                                                               | 1,416,400        | —                        |
| <b>8.</b> For a grant in aid of the Development Fund - - - - -                                                                                                                                                                                                                                                                                                                                      | 1,012,000        | —                        |
| <b>9.</b> For a grant in aid of the Forestry Fund                                                                                                                                                                                                                                                                                                                                                   | 8,201,000        | —                        |
| <b>10.</b> For the salaries and expenses of the Ministry of Food; for the cost of trading services, including certain subsidies; for direct subsidy payments, including certain payments under agricultural price guarantees; for subscriptions to certain international organisations; and for sundry other services, including certain expenses in connection with civil defence - - - - -        | 264,139,265      | 169,950                  |
| <b>11.</b> For expenditure of the Ministry of Food in connection with the procurement and maintenance of strategic reserves - - - - -                                                                                                                                                                                                                                                               | 22,593,000       | 57,637,000               |
| Carried forward - - -                                                                                                                                                                                                                                                                                                                                                                               | £373,322,886     | 65,667,345               |

C\* 2

SCHED. (B).  
PART 14.  
Civil.  
Class VIII.  
1955-56

SCHEDULE (B).—PART 14—*continued*

|       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Supply<br>Grants | Appropriations<br>in Aid |
|-------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|--------------------------|
|       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | £                | £                        |
|       | Brought forward - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 373,322,886      | 65,667,345               |
| Vote. | 12. For the salaries and expenses of the Department of Agriculture for Scotland and the Crofters Commission: for grants and subsidies to farmers and others for the encouragement of food production and the improvement of agriculture: and for grants, grants in aid and expenses in connection with services to agriculture; including land drainage and flood services; purchase, improvement and management of land; land settlement; public works in the congested districts; services in connection with livestock; provision and operation of machinery; training and labour schemes; control of pests; agricultural education, research and advisory services; marketing; and agricultural credits - - - | 9,517,443        | 905,620                  |
|       | 13. For Scottish fisheries and the United Kingdom herring industry: including the salaries and expenses of the fisheries staff of the Scottish Home Department, and of the Herring Industry Board and Advisory Council; grants, loans and expenses in connection with assistance to fishermen, fishery protection, research and development relating to fisheries and fish marketing, and the construction, improvement, maintenance and repair of harbours and fishing facilities; and a grant in aid of the Herring Marketing Fund - - - -                                                                                                                                                                      | 2,784,585        | 2,450                    |
|       | TOTAL, CIVIL, CLASS VIII -£                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 385,624,914      | 66,575,415               |

## SCHEDULE (B).—PART 15

SCHED. (B).  
PART 15  
Civil.  
Class IX.  
1955-56.

## CIVIL.—CLASS IX

**SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1956, viz.:—**

|                                                                                                                                                                                                                                                                                                                                          | Sums not exceeding |                       |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                                                                                                                                                                                                                                                                                                                                          | Supply Grants      | Appropriations in Aid |
|                                                                                                                                                                                                                                                                                                                                          | £                  | £                     |
| <b>Vote.</b>                                                                                                                                                                                                                                                                                                                             |                    |                       |
| 1. For the salaries and expenses of the Ministry of Transport and Civil Aviation, including the salaries and expenses of the Coastguard, the Transport and Transport Arbitration Tribunals, and the Air Transport Advisory Council, subscriptions to international organisations, and sundry other services - - -                        | 7,996,000          | 2,253,700             |
| 2. For a grant in aid of the Road Fund; for other expenditure in connection with roads; for payments to local authorities in reimbursement of expenses incurred in the collection of motor vehicle duties, &c., and the registration of motor vehicles; and for other services - - -                                                     | 45,844,500         | 790,000               |
| 3. For expenses, including war terminal expenses, in connection with the provision and use of ships for trooping, emigration and other purposes; and in respect of miscellaneous services connected with shipping, seamen, inland transport and ports, including the repair of damage by flood and tempest, and certain special services | 1,992,000          | 1,882,500             |
| Carried forward - - -                                                                                                                                                                                                                                                                                                                    | £ 55,832,500       | 4,926,200             |

SCHED. (B)  
PART 15  
Civil.  
Class IX.  
1955-56.

SCHEDULE (B).—PART 15—*continued*

|                                                                                                                                                                                                                                                                                                                                                                                   | Supply<br>Grants | Appropriations<br>in Aid |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|--------------------------|
|                                                                                                                                                                                                                                                                                                                                                                                   | £                | £                        |
| Brought forward - - -                                                                                                                                                                                                                                                                                                                                                             | 55,832,500       | 4,926,200                |
| Vote.                                                                                                                                                                                                                                                                                                                                                                             |                  |                          |
| 4. For the construction, maintenance and operation of aerodromes and other services in connection with civil aviation, including a subscription to an international organisation and certain grants and subsidies - -                                                                                                                                                             | 7,941,000        | 3,635,000                |
| 5. For the salaries and expenses of the Ministry of Fuel and Power, loans for the installation of fuel-saving equipment, assistance to gas and electricity services in Development Areas, expenses in connection with the nationalisation of the coal and gas industries, and a grant in respect of coal-mining subsidence damage -                                               | 3,452,130        | 468,050                  |
| 6. For the supply, storage and distribution of petroleum products and certain other special services of the Ministry of Fuel and Power, including expenditure on civil defence -                                                                                                                                                                                                  | 12,420,000       | 150,010                  |
| 7. For the salaries and expenses of the Office of the Lord President of the Council (Atomic Energy) and for grants and loans to the United Kingdom Atomic Energy Authority in connection with the supply of atomic energy and radio-active substances, including research and development, inspection, storage, disposal and capital and ancillary services related thereto - - - | 50,577,400       | 3,200,010                |
| 8. For the salaries and expenses of the Department of Scientific and Industrial Research, including certain subscriptions to international organisations - - - - -                                                                                                                                                                                                                | 6,528,160        | 841,600                  |
| TOTAL, CIVIL, CLASS IX -                                                                                                                                                                                                                                                                                                                                                          | -£136,751,190    | 13,220,870               |

## SCHEDULE (B).—PART 16

SCHED. (B).  
PART 16.  
Civil.  
Class X.  
1955-56.

## CIVIL.—CLASS X

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1956, viz.:—

| Vote                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Sums not exceeding |                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Supply Grants      | Appropriations in Aid |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | £                  | £                     |
| 1. For superannuation and other non-effective annual allowances, additional allowances, gratuities, compassionate allowances, supplementary pensions, and certain other expenses in connection with superannuation in respect of civil employment -                                                                                                                                                                                                                                                     | 11,278,000         | 528,960               |
| 2. For the salaries and expenses of the Ministry of Pensions and National Insurance, including certain expenses in connection with national insurance, industrial injuries insurance, family allowances, workmen's compensation, war pensions, a subscription to an international organisation and sundry other services -                                                                                                                                                                              | 4,547,570          | 18,181,850            |
| 3. For payments in respect of pensions, gratuities and allowances for disablement or death arising out of war, or out of service in the Armed Forces after the 2nd day of September 1939; sundry contributions in respect thereof; grants to ex-prisoners-of-war and other persons and bodies in respect of the distribution of Japanese assets in the United Kingdom and of proceeds of the sale of the Burma-Siam Railway; and other services, including payment of national service grants - - - - - | 89,326,000         | 686,000               |
| Carried forward - - - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | £105,151,570       | 19,396,810            |

SCHED. (B)  
PART 16.  
Civil.  
Class X.  
1955-56.

SCHEDULE (B).—PART 16—*continued*

|                                                                                                                                                                                                                                                                                                                                       | Supply<br>Grants    | Appropriations<br>in Aid |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|--------------------------|
|                                                                                                                                                                                                                                                                                                                                       | £                   | £                        |
| Brought forward - - -                                                                                                                                                                                                                                                                                                                 | 105,151,570         | 19,396,810               |
| Vote.<br>4. For sums payable by the Exchequer to the National Insurance Fund and the Industrial Injuries Fund and for payments in respect of family allowances - - - - -                                                                                                                                                              | 206,338,000         | 12,000                   |
| 5 For the salaries and expenses of the Department of the National Assistance Board and of certain Appeal Tribunals; non-contributory old-age pensions, including pensions to blind persons; assistance grants; expenses of reception centres, &c.; and the maintenance of certain classes of Poles in Great Britain - - -             | 124,709,000         | 1,500,000                |
| 6. For pensions, compensation allowances and gratuities awarded to retired and disbanded members and staff of the Royal Irish Constabulary, and to widows of such members, including annuities to the National Debt Commissioners in respect of commutation of compensation allowances and certain extra-statutory payments - - - - - | 1,055,000           | —                        |
| <b>TOTAL, CIVIL, CLASS X - - -</b>                                                                                                                                                                                                                                                                                                    | <b>£437,253,570</b> | <b>20,908,810</b>        |

## SCHEDULE (B).—PART 17

## REVENUE DEPARTMENTS

SCHED. (B).  
PART 17.  
Revenue  
Departments.  
1955-56.

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several REVENUE DEPARTMENTS herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1956, viz.:—

|                                                                                                                                                      | Sums not exceeding  |                       |
|------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|-----------------------|
|                                                                                                                                                      | Supply Grants       | Appropriations in Aid |
|                                                                                                                                                      | £                   | £                     |
| <b>Vote.</b>                                                                                                                                         |                     |                       |
| 1. For the salaries and expenses of the Customs and Excise Department, including a subscription to an international organisation - - -               | 13,701,900          | 683,000               |
| 2. For the salaries and expenses of the Inland Revenue Department - -                                                                                | 35,349,000          | 177,125               |
| 3. For the salaries and expenses of the Post Office, including telegraphs and telephones; and subscriptions to certain international organisations - | 261,695,000         | 18,904,980            |
| <b>TOTAL, REVENUE DEPARTMENTS</b>                                                                                                                    | <b>£310,745,900</b> | <b>19,765,105</b>     |

## CHAPTER 17

An Act to provide for confirming resolutions of the Court of Tynwald with respect to customs duties in the Isle of Man and to authorise the Court of Tynwald to carry out any agreement made with the Government of the United Kingdom as to the payment into the Exchequer of any of the proceeds of those duties.

[6th May, 1955]

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

Confirmation of Tynwald resolutions.

1.—(1) If the Court of Tynwald in the Isle of Man—

- (a) pass any resolution concerning the duties of customs chargeable on goods removed or imported into the Isle of Man, and
- (b) further resolve that it is expedient that the resolution should, if confirmed under this Act, take effect as part of the law concerning those duties,

the resolution shall, if confirmed by Her Majesty by Order in Council, thereafter have effect as if it were contained in an Act of Parliament.

50 & 51 Vict. c. 5.

(2) The references in section two of the Isle of Man (Customs) Act, 1887 (which relates to the provisional imposition of customs duties), to an Act of Parliament shall include references to a resolution confirmed under this Act, and the reference in paragraph (b) thereof to confirmation by Parliament shall be construed accordingly.

(3) A resolution confirmed under this Act may in particular—

- (a) impose, abolish or vary any duty of customs in the Isle of Man, and
- (b) contain provisions having retrospective effect and provisions for the delegation of the powers exercisable by such a resolution.

(4) An Order in Council under this Act shall be laid before Parliament.

Removal of certain restrictions on disposition of proceeds of customs duties. 29 & 30 Vict. c. 23.

2. Nothing in the Isle of Man Customs, Harbours and Public Purposes Act, 1866, shall be construed as preventing the Court of Tynwald in the Isle of Man from making such provision as may have been agreed with Her Majesty's Government in the United Kingdom for the payment into the Exchequer of the United Kingdom of any of the proceeds of duties of customs available for defraying expenditure in the Isle of Man.

Short title.

3. This Act may be cited as the Isle of Man (Customs) Act, 1955.



## CHAPTER 18

### Army Act, 1955

#### ARRANGEMENT OF SECTIONS

##### PART I

#### ENLISTMENT AND TERMS OF SERVICE

##### *Enlistment*

##### Section

1. Recruiting officers.
2. Enlistment.  
*Appointment to corps and transfer from one corps to another*
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An Act to make provision with respect to the army.  
[6th May, 1955]

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

## PART I

### ENLISTMENT AND TERMS OF SERVICE

#### *Enlistment*

1. The following persons may enlist recruits in the regular Recruiting forces and are in this Act referred to as recruiting officers, that officers. is to say,—

- (a) whether within or without Her Majesty's dominions, any officer authorised under regulations of the Army Council,
- (b) in a colony, any person authorised by the Governor of the colony,
- (c) outside Her Majesty's dominions, any British consul-general, consul or vice-consul, and any person duly exercising the authority of a British consul.

2.—(1) A person offering to enlist in the regular forces shall **Enlistment.** be given a notice in the prescribed form setting out the questions to be answered on attestation and stating the general conditions of the engagement to be entered into by him; and a recruiting officer shall not enlist any person in the regular forces unless satisfied by that person that he has been given such a notice, understands it and wishes to be enlisted.

**PART I**  
—cont.

(2) The procedure for enlisting a person in the regular forces shall be that set out in the First Schedule to this Act.

(3) A recruiting officer shall not enlist a person under the minimum age for man's service unless consent to the enlistment has been given in writing—

- (a) if the person offering to enlist is living with both or one of his parents, by the parents or parent ;
- (b) if he is not living with both or one of his parents, but any person (whether a parent or not) whose whereabouts are known or can after reasonable enquiry be ascertained has parental rights and powers in respect of him, by that person ;
- (c) if there is no such person as is mentioned in paragraph (b) of this subsection or if after reasonable enquiry it cannot be ascertained whether there is any such person, by any person in whose care (whether in law or in fact) the person offering to enlist may be.

(4) Where the recruiting officer is satisfied, by the production of a certified copy of an entry in the register of births or by any other evidence appearing to him to be sufficient, that a person offering to enlist has or has not attained the minimum age for man's service, that person shall be deemed for the purposes of this Act to have attained, or as the case may be, not to have attained, that age.

A document purporting to be a certificate signed by the recruiting officer, stating that he is satisfied as aforesaid, shall be sufficient evidence, until the contrary is proved, that he is so satisfied.

(5) In this Part of this Act the expression " minimum age for man's service " means the age of seventeen years and six months, except that in such classes of case as may be prescribed it means the age of seventeen years.

*Appointment to corps and transfer from one corps to another*

Enlistment  
for general or  
corps service  
and  
appointment  
to and transfer  
between corps.

3.—(1) Recruits may, in pursuance of regulations of the Army Council under this Part of this Act, be enlisted for service in particular corps, but save as may be provided by such regulations recruits shall be enlisted for general service.

(2) The competent military authority shall as soon as practicable appoint a recruit, if enlisted for service in a corps, to that corps, and if enlisted for general service, to such corps as the competent military authority may think fit:



Provided that a recruit enlisted for general service before attaining the age of eighteen years need not be appointed to a corps until he attains that age.

PART I  
—cont.

(3) A soldier of the regular forces may at any time be transferred by order of the competent military authority from one corps to another :

Provided that except while a state of war exists between Her Majesty and any foreign power, or men of the reserve are called out on permanent service, an order under this subsection shall not be made otherwise than by a member of the Army Council unless the person to whom the order relates consents to the transfer.

(4) Where, in pursuance of the last foregoing subsection, a soldier of the regular forces is transferred to a corps in an arm or branch of the service different from that in which he was previously serving, the competent military authority may by order vary the conditions of his service so as to correspond with the general conditions of service in the arm or branch to which he is transferred.

#### *Terms and conditions of service*

4.—(1) The term for which a person enlisting in the regular forces may be enlisted shall be such a term, beginning with the date of his attestation, as is mentioned in the following provisions of this section. Terms of enlistment.

(2) Where the person enlisting has attained the minimum age for man's service the said term shall be—

- (a) a term of twenty-two years of army service ; or
- (b) such term, not exceeding twelve years, as may be prescribed, being a term of army service ; or
- (c) such term, not exceeding twelve years, as may be prescribed, being as to such part thereof as may be prescribed a term of army service and as to the remainder a term of service in the reserve.

(3) Where the said person has not attained the minimum age for man's service the said term shall be—

- (a) a term ending with the expiration of such period, not exceeding twelve years, beginning with the date on which he attains the age of eighteen years, as may be prescribed, being a term of army service ; or

**PART I**  
—cont.

(b) a term ending with the expiration of such period as aforesaid, being as to such part thereof as may be prescribed a term of army service and as to the remainder a term of service in the reserve.

Change of conditions of service after enlistment for term of twenty-two years.

**5.—(1)** A person in army service who enlisted for a term of twenty-two years of such service shall have the right, exercisable as mentioned in subsection (5) of this section,—

- (a) to be transferred to the reserve at the end of the period of three or at the end of the period of six years beginning with the date of his attestation ; or
- (b) to determine his service at the end of the period of nine years beginning with the date of his attestation or of any succeeding period of three years.

(2) A person in army service who enlisted as aforesaid may, on written application in that behalf made by him to the competent military authority and with the consent of that authority, be transferred to the reserve at any time before he has completed nine years' service.

(3) Where a person is transferred to the reserve under subsection (1) or subsection (2) of this section then (subject to the next following subsection)—

- (a) if he is so transferred before completing six years' army service he shall serve in the reserve for a period of four years :
- (b) if he is so transferred after completing six years' army service he shall serve in the reserve for a period of three years.

(4) A person in the reserve by virtue of subsection (1) or subsection (2) of this section may, on written application in that behalf made by him to the competent military authority and with the consent of that authority, at any time re-enter upon army service and, according as may be specified in the application, either—

- (a) be treated for the purposes of this Part of this Act in all respects as if that service had continued while he was in the reserve as aforesaid ; or
- (b) serve in army service for the remainder of the period for which he would have been liable to serve in the reserve if he had not re-entered upon army service ; or
- (c) serve in army service for a specified part of that remainder and thereafter serve in the reserve for the residue thereof.

(5) Subject to the next following subsection the right conferred by subsection (1) of this section shall be exercisable by notice in writing in the prescribed form given by the person in question to his commanding officer not less than six nor more than twelve months before the expiration of the period at the end of which he is to be transferred to the reserve or, as the case may be, his service is to determine.

PART I  
—cont.

(6) Where a person, in consideration of his being permitted to undergo a prescribed course of instruction or a course of instruction of a prescribed class, or of the conferring on him of such other benefit or advantage as may be prescribed, has undertaken, in the prescribed form and manner, not to determine his army service before the expiration of such period beginning with the day on which that course of instruction ends as may be prescribed or, as the case may be, before the expiration of such period as may be prescribed in relation to that other benefit or advantage, he shall not give a notice under the last foregoing subsection which would result in his transfer to the reserve or the determination of his service before the end of that period.

(7) A notice given by a person under subsection (5) of this section may be withdrawn by a notice in writing in the prescribed form given by him to his commanding officer at any time before the expiration of the period mentioned in that subsection, but where a notice under this subsection is given in the last six months of that period it shall be of no effect unless approved by the competent military authority.

6.—(1) A person in army service who enlisted after attaining the minimum age for man's service and whose enlistment was not for a term of twenty-two years may, on giving to his commanding officer written notice in the prescribed form and with the consent of the competent military authority, be treated for the purposes of this Act as if his enlistment had been for a term of twenty-two years of army service.

Conversion of  
shorter term  
into term of  
twenty-two  
years.

(2) A person in army service who enlisted before attaining the minimum age for man's service may, on giving to his commanding officer a notice in the prescribed form and with the consent of the competent military authority, be treated for the purposes of this Act at any time after attaining the age of eighteen years as if on the day on which he attained that age he had enlisted for a term of twenty-two years of army service

A person shall not give a notice under this subsection before attaining the age of seventeen years and six months.

(3) A person who by virtue of this section is treated as if he had been enlisted for a term of twenty-two years of army service shall not exercise his right under subsection (1) of the last foregoing section so as to reduce his army service to less than it would have been if he had not been treated as aforesaid.

**PART I**  
—*cont.*

Other changes of conditions of service of persons enlisted for less than twenty-two years.

**7.—(1)** Where a person in army service enlisted otherwise than for a term of twenty-two years of such service his conditions of service may, on written application in that behalf made by him to the competent military authority and with the consent of that authority, be changed as follows, that is to say:—

- (a) if his enlistment was for a term ending before the expiration of a period of twelve years beginning with the date of his attestation or (if he enlisted before attaining the minimum age for man's service) the date of his attaining the age of eighteen years, that term may be extended so as to end at such time, not later than the expiration of the said period, as may be specified in the application and so as to increase the period of his army service, his service in the reserve, or both, as may be so specified;
- (b) if the term for which he enlisted, or that term as extended under paragraph (a) of this subsection, includes a period of service in the reserve, his period of army service may be increased, according as may be specified in the application, so as to extend to the whole or a specified part of that period;
- (c) he may be transferred to the reserve to serve therein for the residue of the term for which he was enlisted, or if that term has been extended under paragraph (a) of this subsection, for the residue of that term as so extended.

**(2)** A person in the reserve by virtue either of the terms of his enlistment or of subsection (1) of this section may, on written application in that behalf made by him to the competent military authority and with the consent of that authority, at any time re-enter upon army service and, according as may be specified in the application, either—

- (a) serve in army service for the remainder of the period for which he would have been liable to serve in the reserve if he had not re-entered upon army service, or
- (b) serve in army service for a specified part of that remainder and thereafter serve in the reserve for the residue thereof.

*Extension of service*

Continuance in service after twenty-two years' service.

**8.—(1)** A soldier of the regular forces enlisted for a term of twenty-two years of army service who has completed the prescribed period (which shall not be less than fifteen years) of continuous service from the date of his attestation may give notice to his commanding officer of his desire to continue in army service, after the completion of twenty-two years' service, for such period, not exceeding five years, as may be specified in

the notice; and, if the competent military authority approve he may, after the completion of twenty-two years' service, be continued as a soldier of the regular forces for the period specified in the notice, in all respects as if his term of service were still unexpired.

The giving, under the foregoing provisions of this subsection, of a notice by a soldier shall not prejudice the exercise by him of the right conferred by subsection (1) of section five of this Act.

(2) Where a soldier of the regular forces will, at the end of the term for which he was enlisted, have completed not less than twenty-two years' service but will not be entitled to give a notice under the last foregoing subsection, he may, at any time during the last twelve months of that term, give notice to his commanding officer of his desire to continue in army service, after the end of that term, for such period, not exceeding five years, as may be specified in the notice; and, if the competent military authority approve, he may, after the end of that term, be continued as a soldier of the regular forces, for the period specified in the notice, in all respects as if that term were still unexpired.

The references in this subsection to the term for which a soldier was enlisted shall, where the term has been extended under subsection (1) of the last foregoing section, be construed as references to the term as so extended.

(3) A soldier of the regular forces for the time being continued in service under subsection (1) or (2) of this section may, within the prescribed period immediately preceding the date on which the period for which he is so continued will end, give notice to his commanding officer of his desire to continue further in army service after that date for such period, not exceeding five years, as may be specified in the notice; and if the competent military authority approve, he may, after that date, be further continued as a soldier of the regular forces, for the period specified in the notice, in all respects as if the term for which he was previously continued in service were still unexpired.

(4) The last foregoing subsection shall apply to soldiers of the regular forces continued in service thereunder as it applies to such soldiers continued in service under subsection (1) or (2) of this section.

(5) Section five of this Act shall not apply in the case of a soldier who is continued in service under this section; but any such soldier may claim his discharge at the expiration of the period of three months beginning with the date on which he gives to his commanding officer notice of his wish to be discharged.

**PART I**  
—*cont.*

(6) References in this section to periods of service shall, except so far as the context otherwise requires, be construed as including references to periods served in the reserve, but as not including—

- (a) periods of whole-time or part-time service within the meaning of Part I of the National Service Act, 1948 ; or
- (b) in relation to a soldier who was enlisted for a term ending with the expiration of a period beginning with the date of his attaining the age of eighteen years, any period during which he was under that age.

Postponement  
in certain  
cases of  
discharge or  
transfer to  
the reserve.

9.—(1) Where at the time at which apart from this section a soldier of the regular forces would be entitled to be discharged, or would fall to be transferred to the reserve, a state of war exists between Her Majesty and any foreign power, or men of the reserve are called out on permanent service, or he is serving outside the United Kingdom, he may be retained in army service for such period as is hereinafter mentioned, and his service may be prolonged accordingly.

(2) No person shall be retained in army service by virtue of this section later than the expiration of twelve months after the date on which apart from this section he would be entitled to be discharged.

(3) Subject to the provisions of the last foregoing subsection, a person who apart from this section would be entitled to be discharged may be retained in army service for such period as the competent military authority may order.

(4) Subject as aforesaid, a person who apart from this section would fall to be transferred to the reserve may be retained in army service for such period, ending not later than twelve months after the date on which apart from this section he would fall to be transferred to the reserve, as the competent military authority may order or for any period or further period during which men of the reserve continue called out on permanent service.

(5) If while a soldier is being retained in army service by virtue of this section it appears to the competent military authority that his services can be dispensed with, he shall be entitled to be discharged or transferred to the reserve as the case may require.

(6) Where, at the time at which under the foregoing provisions of this section a soldier is entitled to be discharged or transferred to the reserve, a state of war exists between Her Majesty and any foreign power, he may, by declaration made in the prescribed form before his commanding officer, agree to continue in army

service while such a state of war exists ; and if the competent military authority approve he may continue accordingly as if the period for which his term of service could be prolonged under the foregoing provisions of this section were a period continuing so long as a state of war exists :

PART I  
—cont.

Provided that if it is so specified in the declaration he shall be entitled to be discharged or transferred to the reserve, as the case may require, at the expiration of three months' notice given by him to his commanding officer.

(7) In relation to soldiers serving outside the United Kingdom, references in this section to being entitled to be transferred to the reserve shall be construed as references to being entitled to be sent to the United Kingdom with all convenient speed for the purpose of being transferred to the reserve.

10.—(1) In the case of imminent national danger or of great emergency Her Majesty in Council may by proclamation order that soldiers who would otherwise fall to be transferred to the reserve shall continue in army service ; and thereupon the last foregoing section shall apply to such soldiers as it applies while men of the reserve are called out on permanent service.

Continuation  
of army  
service in  
imminent  
national  
danger.

(2) Any such proclamation may enable the Army Council from time to time to give, and when given to revoke or vary, such directions as may seem to them necessary or expedient for causing all or any of the soldiers mentioned in the proclamation to continue in army service.

(3) The danger or emergency which is the occasion of a proclamation under this section shall, if Parliament is then sitting, be communicated to Parliament before the proclamation is issued, and shall if Parliament is not then sitting be declared in the proclamation.

#### *Discharge and transfer to reserve*

11.—(1) Save as hereinafter provided every soldier of the regular forces, upon becoming entitled to be discharged, shall be discharged with all convenient speed but until discharged shall remain subject to military law.

Discharge.

(2) Where a soldier of the regular forces enlisted in the United Kingdom is, when entitled to be discharged, serving out of the United Kingdom, then—

- (a) if he requires to be discharged in the United Kingdom, he shall be sent there free of cost with all convenient speed and shall be discharged on his arrival there or, if he consents to his discharge being delayed, within six months from his arrival ; but

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**PART I**  
—cont.

(b) if at his request he is discharged at the place where he is serving he shall have no claim to be sent to the United Kingdom or elsewhere.

(3) Except in pursuance of the sentence of a court-martial (whether under this Act, the Naval Discipline Act or the Air Force Act, 1955), a soldier of the regular forces shall not be discharged unless his discharge has been authorised by order of the competent military authority or by authority direct from Her Majesty; and in any case the discharge of a soldier of the regular forces shall be carried out in accordance with Queen's Regulations.

(4) Every soldier of the regular forces shall on his discharge be given a certificate of discharge containing such particulars as may be prescribed.

(5) A soldier of the regular forces who is discharged in the United Kingdom shall be entitled to be conveyed free of cost from the place where he is discharged to the place stated in his attestation paper to be the place where he was attested or to any place at which he intends to reside and to which he can be conveyed with no greater cost.

**Transfer to  
the reserve.**

**12.—**(1) Every soldier of the regular forces upon falling to be transferred to the reserve shall be transferred to the reserve but until so transferred shall remain subject to military law.

(2) Where a soldier of the regular forces, when falling to be transferred to the reserve, is serving out of the United Kingdom, he shall be sent to the United Kingdom free of cost with all convenient speed and shall be transferred to the reserve on his arrival there, or if he consents to his transfer being delayed, within six months from his arrival:

Provided that if he so requests he may be transferred to the reserve without being required to return to the United Kingdom.

(3) A soldier who is transferred to the reserve in the United Kingdom shall be entitled to be conveyed free of cost from the place where he is transferred to the place stated in his attestation paper to be the place where he was attested or to any place at which he intends to reside and to which he can be conveyed with no greater cost:

Provided that he shall not be entitled to be conveyed to any place outside the United Kingdom.

**Postponement  
of discharge  
or transfer  
pending  
proceedings  
for offences.**

**13.—**(1) Notwithstanding anything in this Part of this Act, a soldier of the regular forces shall not be entitled to be discharged or transferred to the reserve at a time when he has become liable, as a person subject to military law, the Naval Discipline Act or air-force law, to be proceeded against for an offence against any of the provisions of this Act, the Naval Discipline Act or the Air Force Act, 1955:



Provided that if it is determined that the offence shall not be tried by court-martial this subsection shall cease to apply.

PART I  
—cont.

(2) Notwithstanding anything in this Part of this Act, a soldier of the regular forces who is outside the United Kingdom and serving a sentence of imprisonment or detention awarded by a court-martial under this Act, the Naval Discipline Act or the Air Force Act, 1955, shall not be entitled to be discharged or transferred to the reserve during the currency of the sentence.

14.—(1) A recruit shall be entitled to claim his discharge at any time within three months after the date of his attestation, and if he makes such a claim he shall on payment of a sum not exceeding twenty pounds be discharged with all convenient speed:

Right of recruit to purchase discharge.

Provided that if the claim is made at a time when soldiers are required by a proclamation under section ten of this Act to continue in army service, he shall not be entitled to be discharged so long as they are so required to continue in army service.

(2) In this section the expression “recruit” means a person enlisted in accordance with the provisions of this Part of this Act who has not been previously so enlisted.

15. A warrant officer of the regular forces who is reduced to the ranks may thereupon claim to be discharged unless a state of war exists between Her Majesty and any foreign power or men of the reserve are called out on permanent service.

Right of warrant officer to discharge on reduction to ranks.

16.—(1) Where it appears to the Army Council or any officer deputed by them that a soldier of the regular forces is—

Discharge of soldiers of unsound mind.

- (a) a dangerous person of unsound mind ; or
- (b) a person of unsound mind requiring treatment in a mental hospital and having no relative who claims to take charge of him ; or
- (c) a person of unsound mind having no relative willing to take charge of him,

the Army Council or officer deputed by them may if they or he think proper cause the soldier on his discharge to be received in a mental hospital in accordance with the following provisions of this section.

(2) Where the soldier has a home in Great Britain, the Regional Hospital Board for the area in which his home is situated shall, on request made by the Army Council or officer deputed by them, forthwith designate a mental hospital in their area, and the Army Council or officer shall by order direct that the soldier shall be received into that hospital.

PART I  
cont.—

(3) Where the soldier has a home in Northern Ireland—

- (a) the secretary or other officer of the Northern Ireland Hospitals Authority shall, on request made by the Army Council or officer deputed by them, forthwith designate a mental hospital in Northern Ireland, and the Army Council or officer deputed by them shall by order direct that the soldier shall be received into that hospital ; and
- (b) the Army Council or officer deputed by them shall, if the case so requires, inform the welfare authority and that authority shall take such steps as may in their opinion be necessary to secure the welfare of the wife and children of the soldier.

(4) An order made under subsection (2) of this section shall have the like effect, and the like proceedings shall be taken thereon, as if it were an order under section sixteen of the Lunacy Act, 1890, or in Scotland an order of the sheriff made under section fourteen, or in the case of a soldier being a dangerous person of unsound mind, section fifteen, of the Lunacy (Scotland) Act, 1862 ; and an order under paragraph (a) of subsection (3) of this section shall have the like effect, and the like proceedings shall be taken thereon, as if it were an order made by a judicial authority under section ten of the Mental Health Act (Northern Ireland), 1948.

(5) Any question arising under this section whether, and if so where, a person has a home in Great Britain or Northern Ireland shall be decided by the Army Council or an officer deputed by them, and for the purposes of this section a person with no home in Great Britain or Northern Ireland may be treated as if he had a home in such area as may be determined by the Army Council or an officer deputed by them.

*Miscellaneous and supplementary provisions*

Forfeiture  
of service for  
desertion and  
restoration of  
forfeited  
service.

17.—(1) Where a soldier of the regular forces is convicted of desertion by court-martial, the period of his service as respects which he is convicted of having been a deserter shall be forfeited.

(2) Where any of a soldier's service is forfeited the provisions of this Part of this Act (except those relating to discharge by purchase) shall apply to him, and he shall be liable to serve, in like manner as if the appropriate date were the date of his attestation and he had, on the appropriate date, been duly enlisted to serve for the like term (both as respects duration and as respects liability to army service and any liability to serve in the reserve) as that for which he was in fact serving at the date of his conviction :

Provided that where at the date of his conviction the soldier was serving a term ending with the expiration of a period beginning with the date of his attaining the age of eighteen years and he had attained that age when he was convicted (whether or not he had attained it when the offence was committed) the duration of the term for which he is liable to serve shall be equal to that period and the time for which he is required to serve in army service shall be reduced accordingly.

PART I  
—cont.

(3) In the last foregoing subsection the expression “ the appropriate date ”—

- (a) if in consequence of subsection (1) of this section and an award of the court-martial under Part II of this Act the whole of his previous service is forfeited, means the date of his conviction ;
- (b) if in consequence of the said subsection (1) or that subsection and an award of the court-martial part only of his previous service is forfeited, means a date earlier than the date of his conviction by the length of service not forfeited.

(4) Notwithstanding anything in the foregoing provisions of this section, the right conferred on a soldier by subsection (1) of section five of this Act shall not be exercisable, in consequence of a forfeiture of service, at a time earlier than that at which it would have been exercisable apart from the forfeiture.

(5) The Army Council may by regulations make provision for the restoration in whole or in part of any forfeited service to a soldier in consideration of good service or on other grounds justifying the restoration of service forfeited.

(6) Where service of any description is restored to a person by virtue of the last foregoing subsection while he is in army service,—

- (a) the amount of the service so restored shall, subject to the provisions of the next following paragraph, be credited to him for the purpose of determining for the purposes of this Act the amount of service, army service or service in the reserve, as the case may require, which he has served or is liable to serve ; but
- (b) in the case of a person who, when his service is restored, is serving, or subsequently serves, on terms which entitle him to the right conferred by subsection (1) of section five of this Act the restoration shall not operate to alter the dates on which, by reason of the operation of subsection (2) of this section, his army service may be determined in pursuance of an exercise of that right.

**PART I**  
—*cont.*

(7) Nothing in this section shall apply to a person who deserts at a time when he is, under section eight of this Act, continued in service after the completion of twenty-two years' service.

**Validity of  
attestation and  
enlistment.**

**18.—(1)** Where a person has signed the declaration required by the First Schedule to this Act, and has thereafter received pay as a soldier of the regular forces,—

- (a) the validity of his enlistment shall not be called in question on the ground of any error or omission in his attestation paper ;
- (b) if within three months from the date on which he signed the said declaration he claims that his enlistment is invalid by reason of any non-compliance with the requirements of this Act as to enlistment or attestation, or any other ground whatsoever (not being an error or omission in his attestation paper) on which apart from this subsection the validity of his enlistment could have been called in question, the claim shall be submitted as soon as may be to the Army Council, and if the claim is well founded the Army Council shall cause him to be discharged with all convenient speed ;
- (c) subject to the provisions of the last foregoing paragraph, he shall be deemed as from the expiration of the said three months to have been validly enlisted notwithstanding any such non-compliance or other grounds as aforesaid ;
- (d) notwithstanding any such non-compliance or other grounds as aforesaid, or the making of a claim in pursuance of paragraph (b) of this subsection, he shall be deemed to be a soldier of the regular forces until his discharge.

In the case of a person who when he signed the said declaration had not attained the minimum age for man's service, paragraph (b) of this subsection shall have effect as if for the words "he claims" there were substituted the words "he, or any person whose consent to the enlistment was required under subsection (3) of section two of this Act but who did not duly consent, claims".

(2) Where a person has received pay as a soldier of the regular forces without having previously signed the declaration required by the First Schedule to this Act, then—

- (a) he shall be deemed to be a soldier of the regular forces until discharged ;
- (b) he may claim his discharge at any time, and if he does so the claim shall be submitted as soon as may be to the Army Council, who shall cause him to be discharged with all convenient speed.

(3) Nothing in the foregoing provisions of this section shall be construed as prejudicing the determination of any question as to the term for which a person was enlisted or as preventing the discharge of a person who has not claimed his discharge.

PART I  
—cont.

19.—(1) If a person appearing before a recruiting officer for the purpose of being attested knowingly makes a false answer to any question contained in the attestation paper and put to him by or by the direction of the recruiting officer, he shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding twenty pounds.

False answers  
in attestation  
paper.

(2) For the avoidance of doubt it is hereby declared that a person may be proceeded against under this section notwithstanding that he has since become subject to military law.

20.—(1) The following provisions of this Part of this Act shall not apply to persons enlisted in pursuance of the National Service Act, 1948, that is to say, the proviso to subsection (3) of section three, sections four to seven, section thirteen, section fifteen, section seventeen and subsection (2) of section eighteen; and section nine of this Act shall not apply to such persons by reason only that they are serving outside the United Kingdom.

Special  
provisions as  
to National  
Service men.

(2) Where a person enlisted in pursuance of the National Service Act, 1948, having been discharged from that enlistment before the end of his term of whole-time service under that Act for the purpose of entering on a regular engagement, enters on such an engagement at a time when he has not attained the age of twenty-one, the competent military authority shall give to the said person's next of kin a notification in the prescribed form stating that the said person has volunteered for a regular engagement and explaining the effect of the next following subsection

(3) Within twenty-eight days of the giving of a notification under the last foregoing subsection, any person entitled under the provisions of the Second Schedule to this Act to object to the said engagement may object thereto by notice in writing given to the prescribed military authority; and if such an objection is duly made the person to whom the objection relates shall be deemed not to have been discharged from his enlistment in pursuance of the National Service Act, 1948, or to have entered on the said regular engagement, but to have continued to serve under that enlistment.

(4) Any notification or notice under this section may be given by post.

(5) In this section the expression "next of kin", in relation to any person, means the person recorded as his next of kin in pursuance of the requirements as to records applying to soldiers

PART I  
—cont.

of the regular forces, and references to entry on a regular engagement are references to being enlisted for any such term as is mentioned in paragraph (a), (b) or (c) of subsection (2) of section four of this Act.

Service of  
aliens in  
regular forces.

**21.**—(1) Subject to the provisions of the two next following subsections the number of aliens who at any one time are serving (whether as officers or soldiers) in the regular forces shall not exceed one-fiftieth of the aggregate number at that time of those forces.

(2) In reckoning the number of aliens serving as aforesaid there shall be excluded persons enlisted outside the United Kingdom and serving in such units (if any) as may be prescribed, and officers serving in such units.

(3) The Army Council may by regulations provide that at any time at which a state of war exists between Her Majesty and any foreign power or while men of the reserve are called out on permanent service subsection (1) of this section shall have effect with the substitution for one-fiftieth of such other fraction as may be specified in the regulations.

(4) Nothing in section three of the Act of Settlement (which provides among other things that aliens are incapable of holding certain offices or places of trust) shall apply to an office or place of trust in the regular forces so long as the limit having effect under the foregoing provisions of this section is not exceeded.

(5) The Army Council may by regulations provide that in such cases as may be prescribed by the regulations it shall not be necessary to administer the oath of allegiance to an alien on his enlistment; and in relation to cases so prescribed this Act shall have effect with the omission of references to the administration and taking of the oath of allegiance.

Regulations  
as to  
enlistment.

**22.** The Army Council may make such regulations as appear to them necessary or expedient for the purposes of, or in connection with, the enlistment of recruits for the regular forces and generally for carrying this Part of this Act into effect.

Interpretation  
of Part I.

**23.**—(1) In this Part of this Act:—

“competent military authority” means the Army Council or any prescribed officer;

“date of attestation”, in relation to any person, means the date on which he signs the declaration and takes the oath mentioned in paragraph 3 of the First Schedule to this Act;

“minimum age for man’s service” has the meaning assigned to it by subsection (5) of section two of this Act;

“prescribed” means prescribed by regulations made under this Part of this Act ;

“recruiting officer” has the meaning assigned to it by section one of this Act ;

“reserve” means the first class of the army reserve.

(2) References in this Part of this Act to soldiers shall include references to warrant officers and to non-commissioned officers.

PART I  
—cont.

## PART II

### DISCIPLINE AND TRIAL AND PUNISHMENT OF MILITARY OFFENCES

#### *Treachery, cowardice and offences arising out of military service*

24.—(1) Any person subject to military law who with intent to assist the enemy— Aiding the enemy.

- (a) abandons or delivers up any place or post which it is his duty to defend, or induces any person to abandon or deliver up any place or post which it is that person's duty to defend, or
- (b) does any act calculated to imperil the success of operations of Her Majesty's forces, of any forces co-operating therewith or of any part of any of those forces, or
- (c) having been made a prisoner of war, serves with or aids the enemy in the prosecution of hostilities or of measures calculated to influence morale, or in any other manner whatsoever not authorised by international usage, or
- (d) furnishes the enemy with arms or ammunition or with supplies of any description, or
- (e) harbours or protects an enemy not being a prisoner of war,

shall, on conviction by court-martial, be liable to suffer death or any other punishment provided by this Act.

(2) Any person subject to military law who knowingly and without lawful excuse does any of the acts specified in paragraphs (a) to (e) of the last foregoing subsection shall, where it is not proved that he acted with intent to assist the enemy, be liable on conviction by court-martial to imprisonment or any less punishment provided by this Act.

25.—(1) Any person subject to military law who with intent to assist the enemy communicates with or gives intelligence to the enemy shall, on conviction by court-martial, be liable to suffer death or any other punishment provided by this Act. Communication with the enemy

(2) Any person subject to military law who without authority communicates with or gives intelligence to the enemy shall, on conviction by court-martial, be liable to imprisonment or any less punishment provided by this Act.

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**PART II**  
—*cont.*

(3) In this section the expression “intelligence” means information which is or purports to be information as to any matter such that information about it would or might be directly or indirectly useful to an enemy, and in particular (but without prejudice to the generality of the foregoing provisions of this subsection) as to any matter falling within the following paragraphs, being a matter such that information as to it would or might be useful as aforesaid, that is to say:—

- (a) the number, description, armament, equipment, disposition, movement or condition of any of Her Majesty’s forces or of any forces co-operating therewith, or any of Her Majesty’s ships or aircraft or of the ships or aircraft of any such co-operating force;
- (b) any operations or projected operations of any of such forces, ships or aircraft as aforesaid;
- (c) any code, cipher, call sign, password or countersign;
- (d) any measures for the defence or fortification of any place on behalf of Her Majesty;
- (e) the number, description or location of any prisoners of war;
- (f) munitions of war.

**Cowardly  
behaviour.**

**26.—**(1) Any person subject to military law who when before the enemy—

- (a) leaves the post, position or other place where it is his duty to be, or
- (b) throws away his arms, ammunition or tools,

in such a manner as to show cowardice, or otherwise behaves in such a manner as to show cowardice, shall be guilty of an offence against this section.

(2) Any person subject to military law who when before the enemy induces other persons subject to military law and before the enemy to commit an offence under the last foregoing subsection shall be guilty of an offence against this section.

(3) Any person guilty of an offence against this section shall, on conviction by court-martial, be liable to imprisonment or any less punishment provided by this Act.

**Offences  
against  
morale.**

**27.** Any person subject to military law who—

- (a) spreads (whether orally, in writing, by signal, or otherwise) reports relating to operations of Her Majesty’s forces, of any forces co-operating therewith, or of any part of any of those forces, being reports calculated to create despondency or unnecessary alarm, or



(b) when before the enemy uses words calculated to create despondency or unnecessary alarm,

PART II  
—cont.

shall, on conviction by court-martial, be liable to imprisonment or any less punishment provided by this Act.

28.—(1) Any person subject to military law who, through disobedience to orders or wilful neglect of his duty, is captured by the enemy shall be guilty of an offence against this section.

Becoming prisoner of war through disobedience or wilful neglect; and failure to rejoin forces.

(2) Any person subject to military law who, having been captured by the enemy, fails to take, or prevents or discourages any other such person captured by the enemy from taking, any reasonable steps to rejoin Her Majesty's service which are available to him or, as the case may be, to that other person shall be guilty of an offence against this section.

(3) Any person guilty of an offence against this section shall, on conviction by court-martial, be liable to imprisonment or any less punishment provided by this Act.

29.—(1) Any person subject to military law who while on guard duty—

Offences by or in relation to sentries, etc.

(a) sleeps at his post, or

(b) when not on duty at a post, is asleep at a time when he is not allowed to be asleep, or

(c) is drunk, or

(d) leaves his post without having been regularly relieved or otherwise absents himself from any place where it is his duty to be,

shall be guilty of an offence against this section.

(2) For the purposes of this section a person shall be treated as being drunk if owing to the influence of alcohol or any drug, whether alone or in combination with any other circumstances, he is unfit to be entrusted with his duty.

(3) Any person subject to military law who strikes or otherwise uses force against any person on guard duty, being a member of any of Her Majesty's forces or of any forces co-operating therewith, or by the threat of force compels any such person to let him or any other person pass, shall be guilty of an offence against this section.

(4) Any person guilty of an offence against this section shall, on conviction by court-martial, be liable to imprisonment or any less punishment provided by this Act:

Provided that if the offence was not committed on active service he shall not be liable to be imprisoned for more than two years.

PART II  
—cont.

(5) References in this section to a person on guard duty are references to a person who—

(a) is posted or ordered to patrol, or

(b) is a member of a guard or other party mounted or ordered to patrol,

for the purpose of protecting any persons, premises or place.

(6) The foregoing provisions of this section shall apply in relation to persons posted or ordered to patrol, or members of a party mounted or ordered to patrol, for the purpose of preventing or controlling access to or egress from any premises or place, or of regulating traffic by road, by rail or on any inland navigation, as they apply to persons on guard duty.

## Looting.

30. Any person subject to military law who—

(a) steals from, or with intent to steal searches, the person of anyone killed or wounded in the course of warlike operations, or

(b) steals any property which has been left exposed or unprotected in consequence of warlike operations, or

(c) takes otherwise than for the public service any vehicle, equipment or stores abandoned by the enemy,

shall be guilty of looting and liable, on conviction by court-martial, to imprisonment or any less punishment provided by this Act.

*Mutiny and insubordination*

## Mutiny.

31.—(1) Any person subject to military law who—

(a) takes part in a mutiny involving the use of violence or the threat of the use of violence, or having as its object or one of its objects the refusal or avoidance of any duty or service against, or in connection with operations against, the enemy, or the impeding of the performance of any such duty or service, or

(b) incites any person subject to service law to take part in such a mutiny, whether actual or intended,

shall, on conviction by court-martial, be liable to suffer death or any other punishment provided by this Act.

(2) Any person subject to military law who, in a case not falling within the last foregoing subsection, takes part in a mutiny, or incites any person subject to service law to take part in a mutiny, whether actual or intended, shall, on conviction by court-martial, be liable to imprisonment or any less punishment provided by this Act.

(3) In this Act the expression "mutiny" means a combination between two or more persons subject to service law, or between persons two at least of whom are subject to service law—

PART II  
—cont.

- (a) to overthrow or resist lawful authority in Her Majesty's forces or any forces co-operating therewith or in any part of any of the said forces,
- (b) to disobey such authority in such circumstances as to make the disobedience subversive of discipline, or with the object of avoiding any duty or service against, or in connection with operations against, the enemy, or
- (c) to impede the performance of any duty or service in Her Majesty's forces or in any forces co-operating therewith or in any part of any of the said forces ;

and in this section the expression "service law" means military law, the Naval Discipline Act or air-force law.

32. Any person subject to military law who, knowing that a mutiny is taking place or is intended,—

Failure to suppress mutiny.

- (a) fails to use his utmost endeavours to suppress or prevent it, or
- (b) fails to report without delay that the mutiny is taking place or is intended,

shall on conviction by court-martial,—

- (i) if his offence was committed with intent to assist the enemy, be liable to suffer death or any other punishment provided by this Act,
- (ii) in any other case, be liable to imprisonment or any less punishment provided by this Act.

33.—(1) Any person subject to military law who—

Insubordinate behaviour.

- (a) strikes or otherwise uses violence to, or offers violence to, his superior officer, or
- (b) uses threatening or insubordinate language to his superior officer,

shall, on conviction by court-martial, be liable to imprisonment or any less punishment provided by this Act:

Provided that he shall not be liable to be imprisoned for more than two years if the offence was not committed on active service and did not involve the striking or other use of violence, or offering of violence, to a superior officer exercising authority as such.

(2) In the foregoing provisions of this section the expression "superior officer", in relation to any person, means an officer, warrant officer or non-commissioned officer of the regular forces

**PART II**  
—*cont.*

of superior rank, and includes an officer, warrant officer or non-commissioned officer of those forces of equal rank but greater seniority while exercising authority as the said person's superior.

**Disobedience  
to particular  
orders.**

**34.**—(1) Any person subject to military law who, in such manner as to show a wilful defiance of authority, disobeys any lawful command given or sent to him personally shall, on conviction by court-martial, be liable to imprisonment or any less punishment provided by this Act.

(2) Any person subject to military law who, whether wilfully or through neglect, disobeys any lawful command shall, on conviction by court-martial, be liable to imprisonment or any less punishment provided by this Act:

Provided that if the offence was not committed on active service he shall not be liable to be imprisoned for more than two years.

**Obstruction  
of provost  
officers.**

**35.** Any person subject to military law who—

(a) obstructs, or

(b) when called on, refuses to assist,

any person known to him to be a provost officer, or to be a person (whether subject to military law or not) legally exercising authority under or on behalf of a provost officer, shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

**Disobedience  
to standing  
orders.**

**36.**—(1) Any person subject to military law who contravenes or fails to comply with any provision of orders to which this section applies, being a provision known to him, or which he might reasonably be expected to know, shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

(2) This section applies to standing orders or other routine orders of a continuing nature made for any formation or unit or body of troops, or for any command or other area, garrison or place, or for any ship, train or aircraft.

*Desertion, absence without leave, etc.*

**Desertion.**

**37.**—(1) Any person subject to military law who—

(a) deserts, or

(b) persuades or procures any person subject to military law to desert,

shall, on conviction by court-martial be liable to imprisonment or any less punishment provided by this Act:

PART II  
—cont.

Provided that a person shall not be liable to be imprisoned for more than two years unless—

- (i) if the offence was against paragraph (a) of this subsection he was on active service or under orders for active service at the time when it was committed,
- (ii) if the offence was an offence against paragraph (b) of this subsection, the person in relation to whom it was committed was on active service or under orders for active service at that time.

(2) For the purposes of this Act a person deserts who—

- (a) leaves Her Majesty's service or, when it is his duty to do so, fails to join or rejoin Her Majesty's service, with (in either case) the intention, subsisting at the time of the leaving or failure or formed thereafter, of remaining permanently absent from his duty, or
- (b) being an officer enlists in or enters any of Her Majesty's forces without having resigned his commission, or being a warrant officer, non-commissioned officer or soldier enlists in or enters any of Her Majesty's forces without having been discharged from his previous enlistment, or
- (c) absents himself without leave with intent to avoid serving at any place overseas or to avoid service or any particular service when before the enemy,

and references in this Act to desertion shall be construed accordingly.

(3) In addition to or in lieu of any punishment authorised by subsection (1) of this section, the court-martial by whom a warrant officer, non-commissioned officer or soldier of the regular forces is convicted of desertion may direct that the whole or any part of his service previous to the period as respects which he is convicted of having been a deserter shall be forfeited:

Provided that this subsection shall not apply to a person enlisted in pursuance of the National Service Act, 1948.

**38.** Any person subject to military law who—

Absence  
without leave.

- (a) absents himself without leave, or
- (b) persuades or procures any person subject to military law to absent himself without leave,

shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

**PART II**  
—*cont.*

Assisting and concealing desertion and absence without leave.

**39.** Any person subject to military law who—

- (a) knowingly assists any person subject to military law to desert or absent himself without leave, or
- (b) knowing that any person subject to military law has deserted or absented himself without leave, or is attempting to desert or absent himself without leave, fails to report that fact without delay, or fails to take any steps in his power to cause that person to be apprehended,

shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

Falsely obtaining or prolonging leave.

**40.** Any person subject to military law who for the purpose of obtaining leave or prolonging his leave knowingly makes any false statement to any military authority, to a member of any police force or to any person authorised by or under instructions of the Army Council to act for the purpose of obtaining prolongation of leave shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

Failure to perform military duties.

**41.** Any person subject to military law who without reasonable excuse fails to attend for any parade or other military duty of any description or leaves any such parade or duty as aforesaid before he is permitted to do so shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

*Malingering and drunkenness*

Malingering.

**42.—(1)** Any person subject to military law who—

- (a) falsely pretends to be suffering from sickness or disability, or
- (b) injures himself with intent thereby to render himself unfit for service, or causes himself to be injured by any person with that intent, or
- (c) injures another person subject to military law, at the instance of that person, with intent thereby to render that person unfit for service, or
- (d) with intent to render or keep himself unfit for service, does or fails to do any thing (whether at the time of the act or omission he is in hospital or not) whereby he produces, or prolongs or aggravates, any sickness or disability,

shall be guilty of malingering and shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

PART II  
—cont.

(2) In this section the expression “unfit” includes temporarily unfit.

**43.**—(1) Any person subject to military law who is guilty of Drunkenness. drunkenness, whether on duty or not, shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act and, in the case of a warrant officer, non-commissioned officer or soldier, either in addition to or without any other punishment to pay a fine not exceeding five pounds :

Provided that where the offence is committed by a warrant officer, non-commissioned officer or soldier neither on active service nor on duty the sentence imposed shall not exceed detention for a period of six months with or without a fine.

(2) For the purposes of this section a person is guilty of drunkenness if owing to the influence of alcohol or any drug, whether alone or in combination with any other circumstances, he is unfit to be entrusted with his duty or with any duty which he may be called upon to perform, or behaves in a disorderly manner or in any manner likely to bring discredit on Her Majesty’s service.

#### *Offences relating to property*

**44.** Any person subject to military law who—

Offences in relation to public and service property.

- (a) steals or fraudulently misapplies any public or service property, or is concerned in or connives at the stealing or fraudulent misapplication of any public or service property, or
- (b) receives any public or service property knowing it to have been stolen or to have been fraudulently misapplied, or
- (c) wilfully damages, or is concerned in the wilful damage of, any public or service property, or
- (d) by wilful neglect causes damage by fire to any public or service property,

shall, on conviction by court-martial, be liable to imprisonment or any less punishment provided by this Act.

**45.** Any person subject to military law who—

Offences in relation to property of members of forces.

- (a) steals or fraudulently misapplies any property belonging to a person subject to military law, or is concerned in or connives at the stealing or fraudulent misapplication of any such property, or

**PART II**  
—*cont.*

- (b) receives any such property knowing it to have been stolen or to have been fraudulently misapplied, or  
 (c) wilfully damages, or is concerned in the wilful damage of, any property belonging to a person subject to military law,

shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

**Miscellaneous offences relating to property.**

**46. Any person subject to military law who—**

- (a) loses, or by negligence damages, any public or service property of which he has the charge or which has been entrusted to his care or which forms part of property of which he has the charge or which has been entrusted to his care, or  
 (b) by negligence causes damage by fire to any public or service property, or  
 (c) loses, or by negligence damages, any clothing, arms, ammunition or other equipment issued to him for his use for military purposes, or  
 (d) fails to take proper care of any animal or bird used in the public service which is in his charge, or  
 (e) makes away (whether by pawning, selling, destruction or in any other way) with any military, naval or air-force decoration granted to him or any clothing, arms, ammunition or other equipment issued to him for his use for military purposes,

shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act:

Provided that it shall be a defence for any person charged under this section with losing any property, clothing, arms, ammunition or other equipment that he took reasonable steps for the care and preservation thereof.

*Offences relating to billeting and requisitioning of vehicles*

**Billeting Offences.**

**47. Any person subject to military law who—**

- (a) knowing that no billeting requisition is in force under Part IV of this Act authorising him to demand any billets or that he is otherwise not authorised to demand them, obtains those billets or orders or procures another person to obtain them ;  
 (b) takes or agrees to take, or demands, from a person on whom he or any other person or any vehicle is or is to be billeted in pursuance of a billeting requisition



under Part IV of this Act any money or thing as consideration for not requiring, or ceasing to require, accommodation for himself or the said other person or standing room for the vehicle ; or

PART II  
—cont.

- (c) commits any offence against the person or property of the occupier of premises in which he is billeted in pursuance of a billeting requisition under Part IV of this Act or of any other person being in those premises, or against any other property in those premises, or wilfully or by wilful neglect damages those premises or any such property as aforesaid,

shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

48.—(1) Any person subject to military law who—

Offences in  
relation to  
requisitioning  
of vehicles.

- (a) knowing that no requisitioning order is in force under Part IV of this Act authorising him to give directions for the provision of any vehicle, or that he is otherwise not authorised to give such directions, gives directions for the provision of the vehicle or orders or procures another person to give such directions, or
- (b) in purported exercise of powers conferred by a requisitioning order under Part IV of this Act takes, or orders or procures any other person to take, possession of a vehicle, knowing that no requisitioning order is in force under the said Part IV under which the taking possession of the vehicle could be authorised, or that the taking possession thereof is otherwise not authorised under such an order, or
- (c) takes or agrees to take, or demands, from any person any money or thing as consideration for directions, or any particular directions, for the provision of a vehicle not being given, or possession of a vehicle not being taken, or not being retained, under a requisitioning order under Part IV of this Act,

shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

(2) The last foregoing subsection shall apply in relation to horses, mules, food, forage and stores (within the meaning of Part IV of this Act) as it applies in relation to vehicles.

#### *Flying etc. offences*

49. Any person subject to military law who is guilty of any act or neglect in flying, or in the use of any aircraft, or in relation to any aircraft or aircraft material, which causes or is Dangerous flying, etc.

**PART II**  
—*cont.*

likely to cause loss of life or bodily injury to any person shall, on conviction by court-martial, be liable to imprisonment or any less punishment provided by this Act:

Provided that if the offender has not acted wilfully or with wilful neglect he shall not be liable to be imprisoned for more than two years.

**Inaccurate  
certification of  
aircraft, etc.**

**50.** Any person subject to military law who signs any certificate in relation to an aircraft or to aircraft material without ensuring the accuracy of the certificate shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

**Low flying.**

**51.** Any person subject to military law who, being the pilot of one of Her Majesty's aircraft, flies it at a height less than such height as may be provided by any regulations issued under the authority of the Army Council, the Admiralty or the Air Council, except—

(a) while taking off or alighting, or

(b) in such other circumstances as may be so provided,

shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

**Annoyance  
by flying.**

**52.** Any person subject to military law who, being the pilot of one of Her Majesty's aircraft, flies it so as to cause, or to be likely to cause, unnecessary annoyance to any person shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

*Offences relating to, and by, persons in custody*

**Irregular  
arrest and  
confinement.**

**53.—(1)** Any person subject to military law who, when another person subject thereto is under arrest,—

(a) unnecessarily delays the taking of such steps as it is his duty to take for investigating the allegations against that other person or for having the allegations against that other person investigated by his commanding officer or the appropriate superior authority or, as the case may be, tried by court-martial; or

(b) fails to release, or effect the release of, that other person when it is his duty to do so,

shall be guilty of an offence against this section.

(2) Any person subject to military law who, having committed a person (hereinafter referred to as "the prisoner") to the custody of any provost officer or other officer, or any warrant

officer or non-commissioned officer, fails without reasonable cause to deliver—

PART II  
—cont.

(a) at the time of the committal, or

(b) if it is not practicable so to do at the time of the committal, then within twenty-four hours thereafter,

to the person to whose custody the prisoner was committed a report in writing signed by himself of the offence which the prisoner is alleged to have committed, shall be guilty of an offence against this section.

(3) Where any person (hereinafter referred to as "the prisoner") is committed to the charge of a person subject to military law who is in command of a guard, then if without reasonable cause that person does not as soon as he is relieved from his guard and any further duty, or, if he is not sooner relieved, within twenty-four hours after the committal, give to the officer to whom it is his duty to report—

(a) a written statement containing so far as known to him, the prisoner's name and alleged offence and the name and rank or other description of the officer or other person by whom the prisoner is alleged to have committed the offence, and

(b) if he has received it, the report required by the last foregoing subsection,

he shall be guilty of an offence against this section.

(4) Any person guilty of an offence against this section shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

54.—(1) Any person subject to military law who wilfully allows to escape any person who is committed to his charge, or whom it is his duty to guard, shall, on conviction by court-martial, be liable to imprisonment or any less punishment provided by this Act. Permitting escape, and unlawful release of prisoners.

(2) Any person subject to military law who—

(a) without proper authority releases any person who is committed to his charge, or

(b) without reasonable excuse allows to escape any person who is committed to his charge, or whom it is his duty to guard,

shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

## PART II

—cont.

Resistance to arrest.

**55.**—(1) Any person subject to military law who, being concerned in any quarrel or disorder, refuses to obey any officer who orders him into arrest, or strikes or otherwise uses violence to, or offers violence to, any such officer, shall be guilty of an offence against this section whether or not the officer is his superior officer.

(2) Any person subject to military law who strikes or otherwise uses violence to, or offers violence to, any person, whether subject to military law or not, whose duty it is to apprehend him or in whose custody he is shall be guilty of an offence against this section.

(3) Any person guilty of an offence against this section shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

Escape from confinement.

**56.** Any person subject to military law who escapes from arrest, prison or other lawful custody (whether military or not), shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

*Offences in relation to courts-martial and civil authorities*

Offences in relation to courts-martial.

**57.**—(1) Any person subject to military law who—

- (a) having been duly summoned or ordered to attend as a witness before a court-martial, fails to comply with the summons or order, or
- (b) refuses to swear an oath when duly required by a court-martial to do so, or
- (c) refuses to produce any document in his custody or under his control which a court-martial has lawfully required him to produce, or
- (d) when a witness, refuses to answer any question which a court-martial has lawfully required him to answer, or
- (e) wilfully insults any person, being a member of a court-martial or a witness or any other person whose duty it is to attend on or before the court, while that person is acting as a member thereof or is so attending, or wilfully insults any such person as aforesaid while that person is going to or returning from the proceedings of the court, or
- (f) wilfully interrupts the proceedings of a court-martial or otherwise misbehaves before the court,

shall, on conviction by a court-martial, other than the court in relation to which the offence was committed, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

(2) Notwithstanding anything in the last foregoing subsection, where an offence against paragraph (e) or (f) of that subsection is committed in relation to any court-martial held in pursuance of this Act that court, if of opinion that it is expedient that the offender should be dealt with summarily by the court instead of being brought to trial before another court-martial, may by order under the hand of the president order the offender to be imprisoned for a period not exceeding twenty-one days, or, in the case of a warrant officer, non-commissioned officer or soldier, either to be imprisoned for such a period or to undergo detention for such a period.

PART II  
—cont.

(3) References in paragraphs (a) to (f) of subsection (1) of this section to a court-martial shall include references to a court-martial held in pursuance of the Naval Discipline Act, the Air Force Act, 1955, or the law of any colony.

**58.**—(1) Any person subject to military law who, having been lawfully sworn as a witness or as an interpreter in proceedings before a court-martial or before any board or person having power by virtue of this Act to administer oaths, makes a statement material in those proceedings which he knows to be false or does not believe to be true shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act. False evidence.

(2) A person shall not be liable to be convicted of an offence against this section solely upon the evidence of one witness as to the falsity of any statement alleged to be false.

**59.** Any person subject to military law who at any place in Her Majesty's dominions prevents or obstructs— Obstruction  
of constable  
arresting  
officer or  
soldier.

(a) the execution by a constable of a warrant for the arrest of a person subject to military law who has committed or is suspected of having committed an offence punishable on conviction by a civil court, or

(b) the arrest of a person subject to military law by a constable acting in the exercise of his powers of arrest without warrant,

shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

#### *Miscellaneous offences*

**60.**—(1) Any person subject to military law who without authority discloses, whether orally, in writing, by signal or by any other means whatsoever, any information which is or purports to be information useful to an enemy shall, on conviction Injurious  
disclosures.

**PART II**  
—*cont.*

by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

(2) In this section the expression “information useful to an enemy” means information as to any matter such that information as to it would or might be directly or indirectly useful to an enemy, and in particular (but without prejudice to the generality of the foregoing provisions of this subsection) information as to any matter falling within the following paragraphs, being a matter such that information as to it would or might be useful as aforesaid, that is to say:—

- (a) the number, description, armament, equipment, disposition, movement or condition of any of Her Majesty’s forces or of any forces co-operating therewith, or any of Her Majesty’s ships or aircraft or of the ships or aircraft of any such co-operating force ;
- (b) any operations or projected operations of any of such forces, ships or aircraft as aforesaid ;
- (c) any code, cipher, call sign, password or countersign ;
- (d) any measures for the defence or fortification of any place on behalf of Her Majesty ;
- (e) the number, description or location of any prisoners of war ;
- (f) munitions of war.

**Making of  
false  
statements on  
enlistment.**

**61.** Any person who, when before a recruiting officer for the purpose of being attested in pursuance of Part I of this Act, has knowingly made a false answer to any question contained in the attestation paper and put to him by or by the direction of the recruiting officer shall if he has since become and remains subject to military law be liable, on conviction by court-martial, to the like imprisonment as on summary conviction of an offence against section nineteen of this Act or to any less punishment provided by this Act.

**Making of  
false  
documents.**

**62.** Any person subject to military law who—

- (a) makes, signs or makes an entry in any service report, return, pay list or certificate or other service document, being a document or entry which is to his knowledge false in a material particular, or
- (b) alters any service report, return, pay list or certificate or other service document, or alters any entry in such a document, so that the document or entry is to his knowledge false in a material particular, or suppresses, defaces or makes away with any such document or entry which it is his duty to preserve or produce, or

(c) with intent to defraud, fails to make an entry in any such document, or

PART II  
—cont.

(d) aids, abets, commands, counsels, procures or connives at the commission by another person subject to military law of an offence against this section (whether or not he knows the nature of the document in relation to which that offence will be committed),

shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

63. Any person subject to military law who, in any country or territory outside the United Kingdom, commits any offence against the person or property of any member of the civil population shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

Offences against civilian population.

64. Every officer subject to military law who behaves in a scandalous manner, unbecoming the character of an officer and a gentleman, shall, on conviction by court-martial, be cashiered.

Scandalous conduct of officer.

65. If—

(a) any officer subject to military law strikes or otherwise ill-treats any officer subject thereto of inferior rank or less seniority or any warrant officer, non-commissioned officer or soldier subject to military law, or

Ill-treatment of officers or men of inferior rank.

(b) any warrant officer or non-commissioned officer subject to military law strikes or otherwise ill-treats any person subject to military law, being a warrant officer or non-commissioned officer of inferior rank or less seniority or a soldier,

he shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

66. Any person subject to military law who is guilty of disgraceful conduct of a cruel, indecent or unnatural kind shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

Disgraceful conduct.

67. Any person subject to military law who—

(a) makes an accusation against any officer, warrant officer, non-commissioned officer or soldier subject to military law, which he knows to be false or does not believe to be true, or

False accusation, etc.

**PART II**  
—cont.

(b) in making a complaint where he thinks himself wronged, makes a statement affecting the character of an officer, warrant officer, non-commissioned officer or soldier subject to military law, which he knows to be false or does not believe to be true, or wilfully suppresses any material facts,

shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

Attempts to commit military offences.

68. Any person subject to military law who attempts to commit an offence against any of the foregoing provisions of this Part of this Act shall, on conviction by court-martial, be liable to the like punishment as for that offence :

Provided that if the offence is one punishable by death, he shall not be liable to any greater punishment than imprisonment.

Conduct to prejudice of military discipline.

69. Any person subject to military law who is guilty of any act, conduct or neglect to the prejudice of good order and military discipline shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

*Civil offences*

Civil offences.

70.—(1) Any person subject to military law who commits a civil offence, whether in the United Kingdom or elsewhere, shall be guilty of an offence against this section.

(2) In this Act the expression “civil offence” means any act or omission punishable by the law of England or which, if committed in England, would be punishable by that law ; and in this Act the expression “the corresponding civil offence” means the civil offence the commission of which constitutes the offence against this section.

(3) A person convicted by court-martial of an offence against this section shall —

(a) if the corresponding civil offence is treason or murder, be liable to suffer death ;

(b) in any other case, be liable to suffer any punishment or punishments which a civil court could award for the corresponding civil offence, if committed in England, being a punishment or punishments provided by this Act, or such punishment, less than the maximum punishment which a civil court could so award, as is so provided :



Provided that where a civil court could not so award imprisonment, a person so convicted shall be liable to suffer such punishment, less than cashiering in the case of an officer, or detention in the case of a warrant officer, non-commissioned officer or soldier, as is so provided.

PART II  
—*cont.*

(4) A person shall not be charged with an offence against this section committed in the United Kingdom if the corresponding civil offence is treason, murder, manslaughter, treason-felony or rape.

(5) Where the corresponding civil offence is murder or manslaughter, an offence against this section shall be deemed, for the purposes of the last foregoing subsection, to have been committed at the place of the commission of the act or occurrence of the neglect which caused the death, irrespective of the place of the death.

### *Punishments*

71.—(1) The punishments which may be awarded to an officer by sentence of a court-martial under this Act are, subject to the limitations hereinafter provided on the powers of certain courts-martial, those set out in the following scale; and in relation to an officer references in this Act to punishments provided by this Act are references to those punishments.

Punishment  
of officers.

(2) The said scale is:—

- (a) death;
- (b) imprisonment;
- (c) cashiering;
- (d) dismissal from Her Majesty's service;
- (e) forfeiture in the prescribed manner of seniority of rank, either in the army or in the corps to which the offender belongs, or in both;
- (f) severe reprimand or reprimand;
- (g) where the offence has occasioned any expense, loss or damage, stoppages.

(3) For the purposes of this Part of this Act a punishment specified in any paragraph of the said scale shall be treated as less than the punishments specified in the preceding paragraphs, and greater than those specified in the following paragraphs, of the scale.

(4) Save as expressly provided in this Act, not more than one punishment shall be awarded by a court-martial for one offence.

(5) Stoppages may be awarded by a court-martial either in addition to or without any other punishment.

**PART II**  
—cont

(6) A severe reprimand or reprimand may be awarded by a court-martial in addition to forfeiture of seniority of rank.

(7) Where an officer is sentenced by a court-martial to imprisonment he shall also be sentenced to be cashiered :

Provided that if the court-martial fails to sentence him to be cashiered, the sentence of imprisonment shall not be invalid but shall be deemed to include a sentence of cashiering.

**Punishment of  
other ranks.**

**72.**—(1) The punishments which may be awarded to a warrant officer, non-commissioned officer or soldier by sentence of a court-martial under this Act are, subject to the limitations hereinafter provided on the powers of certain courts-martial, those set out in the following scale ; and in relation to a warrant officer, non-commissioned officer or soldier references in this Act to punishments provided by this Act are references to those punishments.

(2) The said scale is :—

- (a) death ;
- (b) imprisonment ;
- (c) discharge with ignominy from Her Majesty's service ;
- (d) in the case of a warrant officer, dismissal from Her Majesty's service ;
- (e) detention for a term not exceeding two years ;
- (f) in the case of a warrant officer or non-commissioned officer, reduction to the ranks or any less reduction in rank ;
- (g) in the case of a warrant officer or non-commissioned officer, forfeiture in the prescribed manner of seniority of rank ;
- (h) where the offence is desertion, forfeiture of service ;
- (i) in the case of a warrant officer or non-commissioned officer, severe reprimand or reprimand ;
- (j) where the offence was committed on active service, forfeiture of pay for a period beginning with the day of the sentence and not exceeding ninety days ;
- (k) where the offence is drunkenness, a fine ;
- (l) where the offence has occasioned any expense, loss or damage, stoppages.

(3) For the purposes of this Part of this Act a punishment specified in any paragraph of the said scale shall be treated

as less than the punishments specified in the preceding paragraphs, and greater than those specified in the following paragraphs, of the scale :

PART II  
—cont.

Provided that detention shall not be deemed to be a less punishment than imprisonment if the term of detention is longer than the term of imprisonment.

(4) Save as expressly provided in this Act, not more than one punishment shall be awarded by a court-martial for one offence.

(5) A warrant officer, non-commissioned officer or soldier sentenced by a court-martial to imprisonment may in addition thereto be sentenced to be discharged with ignominy from Her Majesty's service, and a warrant officer sentenced by a court-martial to imprisonment may in addition thereto be sentenced to dismissal from Her Majesty's service.

(6) Where a warrant officer or non-commissioned officer is sentenced by a court-martial to imprisonment or detention, he shall also be sentenced to be reduced to the ranks :

Provided that if the court-martial fail to sentence him to be so reduced, the sentence shall not be invalid but shall be deemed to include a sentence of reduction to the ranks.

(7) In the case of a warrant officer or non-commissioned officer a severe reprimand or reprimand may be awarded by a court-martial in addition to forfeiture of seniority of rank.

(8) For an offence committed on active service forfeiture of pay may be awarded by a court-martial in addition to field punishment, severe reprimand or reprimand.

(9) Stoppages may be awarded by a court-martial either in addition to or without any other punishment.

(10) Where an offender has been sentenced by a court-martial (whether under this Act, the Naval Discipline Act or the Air Force Act, 1955) to detention, then if he is subsequently sentenced by a court-martial under this Act to imprisonment any part of the sentence of detention which has not been served shall thereupon be remitted by virtue of this subsection.

(11) Without prejudice to the validity of any award, an offender shall not be kept continuously in detention under this Act for more than two years.

73.—(1) In relation to an offence committed by a warrant officer, non-commissioned officer or soldier on active service, the scale set out in subsection (2) of the last foregoing section shall have effect as if after paragraph (e) thereof there were inserted the following paragraph :—

“(e) field punishment for a period not exceeding ninety days”,

and subsection (6) of the last foregoing section shall apply to field punishment as it applies to imprisonment or detention.

**PART II**  
—*cont.*

(2) Field punishment shall consist of such duties or drills, in addition to those which the offender might be required to perform if he were not undergoing punishment, and such loss of privileges, as may be provided by or under rules to be made by the Secretary of State, and may include confinement in such place and manner as may be so provided and such personal restraint as may be necessary to prevent the escape of the offender and as may be so provided.

(3) Rules under this section may contain such incidental and supplementary provisions, as appear to the Secretary of State to be requisite for the purposes of the rules.

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

*Arrest*

Power to  
arrest  
offenders.

**74.—(1)** Any person subject to military law found committing an offence against any provision of this Act, or alleged to have committed or reasonably suspected of having committed any such offence, may be arrested in accordance with the following provisions of this section.

(2) An officer may be arrested by an officer of the regular forces of superior rank, or, if engaged in a quarrel or disorder, by such an officer of any rank.

(3) A warrant officer, non-commissioned officer or soldier may be arrested by any officer, warrant officer or non-commissioned officer of the regular forces:

Provided that a person shall not be arrested by virtue of this subsection except by a person of superior rank.

(4) A provost officer, or any officer, warrant officer, petty officer or non-commissioned officer legally exercising authority under a provost officer or on his behalf, may arrest any officer, warrant officer, non-commissioned officer or soldier:

Provided that an officer shall not be arrested by virtue of this subsection except on the order of another officer.

(5) The power of arrest given to any person by this section may (subject to the provisions of Queen's Regulations) be exercised either personally or by ordering into arrest the person to be arrested or by giving orders for that person's arrest.

Provisions for  
avoiding delay  
after arrest.

**75.—(1)** The allegations against any person subject to military law who is under arrest shall be duly investigated without unnecessary delay, and as soon as may be either proceedings shall be taken for punishing his offence or he shall be released from arrest.

(2) Wherever any person subject to military law, having been taken into military custody, remains under arrest for a longer period than eight days without a court-martial for his trial being assembled, a special report on the necessity for further delay shall be made by his commanding officer to the prescribed authority in the prescribed manner, and a similar report shall be made to the like authority and in the like manner every eight days until a court-martial is assembled or the offence is dealt with summarily or he is released from arrest:

PART II  
—cont.

Provided that in the case of a person on active service compliance with this subsection shall be excused in so far as it is not reasonably practicable having regard to the exigencies of military operations.

(3) For the purposes of subsection (1) of section fifty-three of this Act the question whether there has been unnecessary delay in the taking of any steps for the investigation of allegations against a person under arrest shall be determined without regard to the provisions of the last foregoing subsection.

#### *Investigation of, and summary dealing with, charges*

**76.** Before an allegation against a person subject to military law (hereinafter referred to as “the accused”) that he has committed an offence against any provision of this Part of this Act is further proceeded with, the allegation shall be reported, in the form of a charge, to the accused’s commanding officer and the commanding officer shall investigate the charge in the prescribed manner.

Investigation of charges by commanding officer.

**77.—(1)** After investigation, a charge against an officer below the rank of lieutenant-colonel or against a warrant officer may, if an authority has power under the following provisions of this Part of this Act to deal with it summarily, be so dealt with by that authority (in this Act referred to as “the appropriate superior authority”) in accordance with those provisions.

Charges to be dealt with summarily or by court-martial.

(2) After investigation, a charge against a non-commissioned officer or soldier may be dealt with summarily by his commanding officer, subject to and in accordance with the following provisions of this Part of this Act.

(3) Any charge not dealt with summarily as aforesaid shall after investigation be remanded for trial by court-martial.

(4) Notwithstanding anything in the foregoing provisions of this section, where—

(a) the commanding officer has investigated a charge against an officer or warrant officer, or

PART II  
—cont.

(b) the commanding officer has investigated a charge against a non-commissioned officer or soldier which is not one which can be dealt with summarily, the commanding officer may dismiss the charge if he is of opinion that it ought not to be further proceeded with.

(5) References in this Act to dealing summarily with a charge are references to the taking by the appropriate superior authority or the commanding officer of the accused, as the case may require, of the following action, that is to say, determining whether the accused is guilty, dismissing the charge or recording a finding of guilty accordingly, and awarding punishment.

Further proceedings on charges against N.C.O.s and soldiers.

**78.**—(1) The following provisions of this section shall have effect where the commanding officer has investigated a charge against a non-commissioned officer or soldier.

(2) If—

- (a) the charge is not one which can be dealt with summarily and the commanding officer has not dismissed it, or
- (b) the charge is one which can be dealt with summarily but the commanding officer is of opinion that it should not be so dealt with,

he shall take the prescribed steps with a view to the charge being tried by court-martial.

(3) Otherwise, the commanding officer shall proceed to deal with the charge summarily; and if he records a finding of guilty he may award one or more of the following punishments, that is to say:—

- (a) if the accused is a soldier, detention for a period not exceeding twenty-eight days or, if the accused is on active service, field punishment for a period not exceeding twenty-eight days;
- (b) if the accused is a non-commissioned officer, severe reprimand or reprimand;
- (c) if the accused is a soldier and the offence was committed on active service, forfeiture of pay for a period beginning with the day of the sentence and not exceeding twenty-eight days;
- (d) where the accused is a soldier and the offence charged is drunkenness, a fine not exceeding two pounds;
- (e) where the offence has occasioned any expense, loss or damage, stoppages;
- (f) any minor punishment for the time being authorised by Queen's Regulations:

Provided that no forfeiture of pay or minor punishment shall be awarded for an offence for which detention is awarded.

(4) Where the accused is an acting warrant officer or non-commissioned officer, and the commanding officer finds him guilty, the commanding officer may, if he awards no other punishment or no other punishment except stoppages, order the accused to revert to his permanent rank.

PART II  
—cont.

(5) Notwithstanding anything in subsection (3) of this section, where the commanding officer has determined that the accused is guilty and if the charge is dealt with summarily will award a punishment other than severe reprimand, reprimand or a minor punishment, or where a finding of guilty (whatever the punishment awarded) will involve a forfeiture of pay, the commanding officer shall not record a finding until after affording the accused an opportunity of electing to be tried by court-martial; and if the accused so elects and does not subsequently in accordance with Queen's Regulations withdraw his election, the commanding officer shall not record a finding but shall take the prescribed steps with a view to the charge being tried by court-martial.

(6) Where a charge is one which can be dealt with summarily, but the commanding officer has taken steps with a view to its being tried by court-martial, any higher authority to whom the charge is referred may refer the charge back to the commanding officer to be dealt with summarily; and on any such reference the three last foregoing subsections shall apply as if the commanding officer had originally been of opinion that the charge should be dealt with summarily:

Provided that a charge shall not be referred back where the accused has elected to be tried by court-martial and has not withdrawn his election.

79.—(1) After investigating a charge against an officer or warrant officer, the commanding officer shall, unless he has dismissed the charge, or the case is one where he has power, and proposes, to direct trial by field general court-martial, submit it in the prescribed manner to higher authority; and thereupon it shall be determined by such authority how the charge is to be proceeded with in accordance with the two next following subsections.

Further proceedings on charges against officers and warrant officers.

(2) If the charge is one which can be dealt with summarily, it may be referred to the appropriate superior authority.

(3) If the charge is not so referred, the prescribed steps shall be taken with a view to its being tried by court-martial.

(4) Where the charge is referred to the appropriate superior authority, that authority shall investigate the charge in the prescribed manner and determine whether the accused is

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**PART II**  
—*cont.*

guilty of the charge and accordingly dismiss the charge or record a finding of guilty :

Provided that if in the course of investigating the charge the authority determines that it is desirable that the charge should be tried by court-martial, the prescribed steps shall be taken with a view to its being so tried.

(5) If the appropriate superior authority records a finding of guilty, the authority may award one or more of the following punishments, that is to say :—

- (a) forfeiture in the prescribed manner of seniority of rank, where the accused is an officer the forfeiture being of seniority of rank either in the army or in the corps to which the accused belongs or in both ;
- (b) severe reprimand or reprimand ;
- (c) where the offence has occasioned any expense, loss or damage, stoppages.

(6) Notwithstanding anything in subsection (4) of this section, where the appropriate superior authority has determined that the accused is guilty and if the charge is dealt with summarily will award forfeiture of seniority or stoppages, or where a finding of guilty will involve a forfeiture of pay, the authority shall not record a finding until after affording the accused an opportunity of electing to be tried by court-martial ; and if the accused so elects the authority shall not record a finding but shall take the prescribed steps with a view to the charge being tried by court-martial.

Dismissal of charges referred to higher authority.

**80.**—(1) Notwithstanding anything in the two last foregoing sections, where a charge—

- (a) has been referred to higher authority with a view to its being tried by court-martial, or
- (b) has been submitted to higher authority for determination how it is to be proceeded with,

that authority may, subject to the provisions of this section, refer the charge back to the commanding officer of the accused with a direction that it shall be dismissed, and in any such case the commanding officer shall dismiss the charge.

(2) In a case falling within paragraph (a) of the last foregoing subsection, a charge shall not be referred back where the accused has elected to be tried by court-martial and has not withdrawn his election.

(3) The reference back of a charge in pursuance of this section shall be without prejudice to the preferring of another charge if the higher authority has so directed or the commanding officer thinks fit.



**81.—(1)** Where in accordance with Queen's Regulations a warrant officer, non-commissioned officer or soldier signs a written confession that he has been guilty of desertion, his commanding officer may, notwithstanding anything in the foregoing provisions of this Part of this Act, submit the confession for the consideration of the Army Council or such officer not below the rank of brigadier as may be provided by Queen's Regulations.

PART II  
—cont.

Confession of desertion by warrant officer, non-commissioned officer or soldier.

(2) After considering any such confession the Army Council or such officer as aforesaid may direct that the offence shall not be tried by court-martial or dealt with summarily by the appropriate superior authority or commanding officer, and if such a direction is given the period of his service as respects which he confesses to have been a deserter shall be forfeited.

(3) A direction under the last foregoing subsection may further provide that the whole or any part of the offender's service previous to that as respects which he confesses as aforesaid shall also be forfeited.

(4) Subsections (2) to (7) of section seventeen of this Act shall apply in relation to the forfeiture of service by virtue of this section subject to the following modifications:—

- (a) for references to an award of forfeiture of service by the court-martial there shall be substituted references to the direction ;
- (b) for references to the date on which the offender was convicted there shall be substituted references to the date on which the direction was given.

**82.—(1)** In this Act the expression "commanding officer", in relation to a person charged with an offence, means such officer having powers of command over that person as may be determined by or under regulations of the Army Council.

Officers who are to act as commanding officers and appropriate superior authorities.

(2) The following persons may act as appropriate superior authority in relation to a person charged with an offence, that is to say, any general officer, flag officer, air officer or brigadier having power to convene general courts-martial or such other general officer, flag officer, air officer or brigadier as may be specified by or under regulations of the Army Council :

Provided that an officer under such rank as may be specified by regulations under this section shall not act as appropriate superior authority where the accused is above such rank as may be so specified.

(3) Regulations under this section may confer on officers, or any class of officers, who by or under the regulations are authorised to exercise the functions of commanding officer power to delegate those functions, in such cases and to such extent as may be specified in the regulations, to officers of a class so specified.

**PART II**  
—*cont.*

Limitation on powers of summary dealing with charges.

**83.**—(1) The charges which may be dealt with summarily by a commanding officer, and the charges which may be dealt with summarily by an appropriate superior authority, shall be such as may be specified by regulations of the Army Council.

(2) In such cases as may be specified in that behalf by regulations of the Army Council, the powers of a commanding officer or appropriate superior authority to award punishment shall be subject to such limitations as may be so specified.

*Courts-martial: general provisions*

Trial to be by general court-martial, district court-martial or in certain cases field general court-martial.

**84.**—(1) Subject to the provisions of this section, a charge which is to be tried by court-martial shall be tried either by general court-martial or by district court-martial.

(2) Where the officer commanding a body of the regular forces on active service—

- (a) being an officer (whether military, naval or air-force) to whom under subsection (1) of section seventy-nine of this Act a charge has been submitted for determining how it is to be dealt with, or
- (b) being the accused's commanding officer who has investigated a charge which cannot be dealt with summarily or which in his opinion ought not to be so dealt with, or
- (c) being the accused's commanding officer or the appropriate superior authority who has investigated a charge on which the accused has elected to be tried by court-martial,

is of opinion that it is not possible without serious detriment to the public service that the charge should be tried by a general or district court-martial, the officer may (whether or not he is authorised to convene general courts-martial) direct that the charge shall be tried by a field general court-martial.

Powers of different descriptions of court-martial.

**85.**—(1) A general court-martial shall have power to try any person subject to military law for any offence which under this Act is triable by court-martial, and to award for any such offence any punishment authorised by this Act for that offence.

(2) A district court-martial shall have the powers of a general court-martial except that it shall not try an officer or sentence a warrant officer to imprisonment, discharge with ignominy, dismissal or detention, and shall not award the punishment of death or of imprisonment for a term exceeding two years.

(3) A field general court-martial shall have the powers of a general court-martial, except that where the court consists of less than three officers the sentence shall not exceed imprisonment for a term of two years.

**86.—(1)** A general court-martial may be convened by any qualified officer authorised by Her Majesty by warrant under Her sign manual to convene general courts-martial or that court-martial, or by any qualified officer under the command of an officer authorised as aforesaid to whom the last-mentioned officer has, in the exercise of a power conferred by the warrant issued to him, delegated his power to convene general courts-martial.

PART II  
—cont.  
Officers having  
power to  
convene  
courts-martial.

(2) A district court-martial may be convened by an officer authorised to convene general courts-martial, by any person, not below the rank of captain, under the command of such an officer whom that officer has authorised to convene district courts-martial, by any general officer or brigadier commanding a body of troops or by any officer for the time being acting in the place of such a general officer or brigadier.

(3) A field general court-martial may be convened by the officer who directed that the charge should be tried by field general court-martial.

(4) Notwithstanding anything in subsection (1) or (2) of this section, any power to convene courts-martial delegated under subsection (1) of this section shall be exercisable only for the trial of a person who at the date of the convening order is under or within the territorial limits of the convening officer's command, and an officer, other than one authorised to convene general courts-martial, shall not by virtue of subsection (2) of this section convene a district court-martial except for the trial of a person under his command.

(5) In this section the expression "qualified officer" means any officer not below the rank of field officer or corresponding rank who—

- (a) is in command of a body of the regular forces, or
- (b) is in command of the command within which the person to be tried is serving.

(6) Any warrant under this section, or any authorisation under this section to convene courts-martial—

- (a) may be made subject to restrictions, reservations, exceptions or conditions ;
- (b) may be addressed to officers by name or by designation of their offices, and may be issued or given to a named or designated officer, to a named or designated officer and to the person for the time being performing the duties of his office, to a named or designated officer and his successors in that office or to a named or designated officer and such person and successors ;

**PART II**  
—*cont.*

(c) may be varied or may be revoked, either wholly or in part, by a subsequent warrant of Her Majesty or, as the case may be, by the officer by whom it was given or his successor in office.

(7) Where an officer on board ship—

(a) has had power to convene general courts-martial delegated to him by an officer under whose command he was before the departure of the ship, or

(b) has been authorised under subsection (2) of this section to convene district courts-martial by such an officer,

he may convene courts-martial to the like extent as if he had continued under the command of the officer delegating the power or granting the authorisation.

**Constitution  
of general  
courts-martial.**

**§7.—**(1) A general court-martial shall consist of the president and not less than four other officers.

(2) Save as hereinafter provided, an officer shall not be appointed a member of a general court-martial unless he belongs to Her Majesty's military forces, is subject to military law and has held a commission in any of the armed forces of the Crown for a period of not less than three years or for periods amounting in the aggregate to not less than three years.

(3) Not less than four of the members of a general court-martial shall be of a rank not below that of captain.

(4) The president of a general court-martial shall be appointed by order of the convening officer and shall not be under the rank of field officer unless in the opinion of the convening officer a field officer having suitable qualifications is not, with due regard to the public service, available; and in any event the president of a general court-martial shall not be under the rank of captain.

(5) The members of a general court-martial, other than the president, shall be appointed by order of the convening officer or in such other manner as may be prescribed.

(6) An officer under the rank of captain shall not be a member of a general court-martial for the trial of an officer above that rank.

**Constitution  
of district  
courts-martial.**

**§8.—**(1) A district court-martial shall consist of the president and not less than two other officers.

(2) Save as hereinafter provided, an officer shall not be appointed to be a member of a district court-martial unless he belongs to Her Majesty's military forces, is subject to military law and has held a commission in any of the armed forces of the Crown for a period of not less than two years or for periods amounting in the aggregate to not less than two years.

(3) The president of a district court-martial shall be appointed by order of the convening officer and shall not be under the rank of field officer unless in the opinion of the convening officer a field officer having suitable qualifications is not, with due regard to the public service, available; and in any event the president of a district court-martial shall not be under the rank of captain.

PART II  
—cont.

(4) The members of a district court-martial, other than the president, shall be appointed by order of the convening officer or in such other manner as may be prescribed.

**89.**—(1) A field general court-martial shall consist of the president and not less than two other officers, or, if the convening officer is of opinion that three officers having suitable qualifications are not available without serious detriment to the public service, shall consist of the president and one other officer.

Constitution of  
field general  
courts-martial.

(2) Save as hereinafter provided, the members of a field general court-martial shall be persons belonging to Her Majesty's military forces and subject to military law.

(3) The president of a field general court-martial shall be an officer appointed by the convening officer and shall not be under the rank of captain.

(4) The members of a field general court-martial, other than the president, shall be appointed by order of the convening officer or in such other manner as may be prescribed.

**90.**—(1) The officer who convened a court-martial shall not be a member of that court-martial:

Supplementary  
provisions as to  
constitution of  
courts-martial.

Provided that if in the case of a field general court-martial it is not practicable in the opinion of the convening officer to appoint another officer as president, he may himself be president of the court-martial.

(2) An officer who at any time between the date on which the accused was charged with the offence and the date of the trial has been the commanding officer of the accused, and any other officer who has investigated the charge against the accused, or who under this Act has held, or has acted as one of the persons holding, an inquiry into matters relating to the subject matter of the charge against the accused, shall not sit as a member of a general or district court-martial or act as judge advocate at such a court-martial.

(3) If any court-martial is required to be convened at any place where in the opinion of the convening officer the necessary number of military officers having suitable qualifications is not available to form the court, and cannot be made available with due regard to the public service, the convening officer may, with

**PART II**  
—*cont.*

the consent of the proper naval or air-force authority, appoint any naval or air-force officer as president in lieu of a military officer or as any other member of the court in lieu of or in addition to a military officer or military officers :

Provided that no naval or air-force officer shall be qualified to act in relation to a court-martial unless he is of corresponding rank to that which would have been required in the case of a military officer and has held a commission in any of the armed forces of the Crown for the like period or periods as would have been so required.

(4) Where—

- (a) the officer convening a general or district court-martial appoints a captain to be president, being of opinion that a field officer having suitable qualifications is not with due regard to the public service available ;
- (b) an officer directs that an offender shall be tried by a field general court-martial, being of opinion that it is not possible without serious detriment to the public service that the offender should be tried by a general or district court-martial, or the officer convening a field general court-martial appoints two officers only to be members of the court, being of opinion that three officers having suitable qualifications are not without serious detriment to the public service available, or appoints himself to be president, being of opinion that it is not practicable to appoint another officer as president, or
- (c) the officer convening any court-martial appoints an officer not being a military officer as president or any other member of the court, being of opinion that the necessary number of military officers having suitable qualifications is not available to form the court and cannot be made available with due regard to the public service,

the order convening the court-martial shall contain a statement of the said opinion, and that statement shall be conclusive.

(5) In this section the expression “ military officer ” means an officer belonging to Her Majesty’s military forces and subject to military law.

Place for sitting of courts-martial and adjournment to other places.

**91.**—(1) Subject to the provisions of this section, a court-martial shall sit at such place (whether within or without Her Majesty’s dominions) as may be specified in the order convening the court ; and the convening officer may convene it to sit at a place outside the limits of his command.

(2) A court-martial sitting at any place shall if the convening officer directs it to sit at some other place, and may without any such direction if it appears to the court requisite in the interests of justice to sit at some other place, adjourn for the purpose of sitting at that other place.

PART II  
—cont.

*Courts-martial : provisions relating to trial*

92.—(1) An accused about to be tried by any court-martial shall be entitled to object, on any reasonable grounds, to any member of the court, whether appointed originally or in lieu of another officer.

Challenges  
by accused.

(2) For the purpose of enabling the accused to avail himself of the right conferred by the last foregoing subsection, the names of the members of the court shall be read over in the presence of the accused before they are sworn, and he shall be asked whether he objects to any of those officers.

(3) Every objection made by an accused to any officer shall be considered by the other officers appointed members of the court.

(4) If objection is made to the president and not less than one-third of the other members of the court allow it, the court shall adjourn and the convening officer shall appoint another president.

(5) If objection is made to a member of the court other than the president and not less than one-half of the members entitled to vote allow it, the member objected to shall retire and the vacancy may, and if otherwise the number of members would be reduced below the legal minimum shall, be filled in the prescribed manner by another officer.

93.—(1) An oath shall be administered to every member of a court-martial and to any person in attendance on a court-martial as judge advocate, officer under instruction, shorthand writer or interpreter.

Administration  
of oaths.

(2) Every witness before a court-martial shall be examined on oath :

Provided that where any child of tender years called as a witness does not in the opinion of the court understand the nature of an oath, his evidence may be received, though not given upon oath, if in the opinion of the court he is possessed of sufficient intelligence to justify the reception of the evidence and understands the duty of speaking the truth, so however that where the evidence is given on behalf of the prosecution the accused shall not be liable to be convicted unless it is corroborated by some other material evidence in support thereof implicating the accused.

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**PART II**  
—*cont.*

(3) An oath required to be administered under this section shall be in the prescribed form and shall be administered at the prescribed time by the prescribed person and in the prescribed manner.

**Courts-martial  
to sit in open  
court.**

**94.**—(1) Subject to the provisions of this section, a court-martial shall sit in open court and in the presence of the accused.

(2) Nothing in the last foregoing subsection shall affect the power of a court-martial to sit in camera on the ground that it is necessary or expedient in the interests of the administration of justice to do so; and without prejudice to that power a court-martial may order that, subject to any exceptions the court may specify, the public shall be excluded from all or any part of the proceedings of the court if it appears to the court that any evidence to be given or statement to be made in the course of the proceedings or that part, as the case may be, might otherwise lead to the disclosure of any information which would or might be directly or indirectly useful to an enemy.

(3) A court-martial shall sit in closed court while deliberating on their finding or sentence on any charge.

(4) A court-martial may sit in closed court on any other deliberation amongst the members.

(5) Where a court-martial sits in closed court no person shall be present except the members of the court and such other persons as may be prescribed.

**Dissolution of  
courts-martial.**

**95.**—(1) Where, whether before or after the commencement of the trial, it appears to the convening officer necessary or expedient in the interests of the administration of justice that a court-martial should be dissolved, the convening officer may by order dissolve the court-martial.

(2) Without prejudice to the generality of the last foregoing subsection, if after the commencement of the trial a court-martial is, by reason of the death of one of the members or for any other reason, reduced below the legal minimum, it shall be dissolved.

(3) If after the commencement of the trial the president dies or is otherwise unable to attend and the court is not reduced below the legal minimum, then—

(a) if the senior member of the court is of the rank of captain or corresponding rank or is of higher rank, the convening officer may appoint him president and the trial shall proceed accordingly; but

(b) if he is not, the court shall be dissolved.



(4) Without prejudice to the generality of subsection (1) of this section, if after the commencement of the trial it is represented to the convening officer that owing to the sickness or other incapacity of the accused it is impracticable having regard to all the circumstances to continue the trial within a reasonable time, the convening officer may dissolve the court.

(5) Where a court-martial is dissolved under the foregoing provisions of this section the accused may be tried by another court.

**96.**—(1) Subject to the provisions of this section, every question to be determined on a trial by court-martial shall be determined by a majority of the votes of the members of the court. Decisions of courts-martial.

(2) In the case of an equality of votes on the finding, the court shall acquit the accused.

(3) A finding of guilty where the only punishment which the court can award is death shall not have effect unless it is reached with the concurrence of all the members of the court; and where on such a finding being come to by a majority of the members there is no such concurrence, the court shall be dissolved and the accused may be tried by another court.

(4) Where the accused is found guilty and the court has power to sentence him either to death or to some less punishment, sentence of death shall not be passed without the concurrence of all the members of the court.

(5) In the case of an equality of votes on the sentence, or on any question arising after the commencement of a trial, except the finding, the president shall have a second or casting vote.

**97.**—(1) Without prejudice to the provisions of section ninety-four of this Act, the finding of a court-martial on each charge shall be announced in open court. Finding and sentence.

(2) Any finding of guilty shall be, and be announced as being, subject to confirmation.

(3) Any sentence of a court-martial, together with any recommendation to mercy, shall be announced in open court, and a sentence of a court-martial shall be, and be announced as being, subject to confirmation.

**98.**—(1) An accused charged before a court-martial with an offence under this Act may, on failure of proof of the offence having been committed under circumstances involving a higher degree of punishment, be found guilty of the offence as having been committed under circumstances involving a less degree of punishment. Power to convict of offence other than that charged.

**PART II**  
—cont.

(2) An accused charged before a court-martial with any offence may be found guilty of attempting to commit that offence.

(3) An accused charged before a court-martial with attempting to commit an offence may be convicted on that charge notwithstanding that it is proved that he actually committed the offence.

(4) Where an accused is charged before a court-martial under section seventy of this Act in respect of attempting to commit a civil offence, he may be convicted on that charge notwithstanding that it is proved that he actually committed the civil offence.

(5) Where an accused is charged before a court-martial with an offence against section seventy of this Act, and the corresponding civil offence is one in proceedings for which, if he had been tried by a civil court for committing the offence in England, he might have been found guilty of another civil offence, then if the court finds that he has committed that other civil offence he may be convicted of an offence against section seventy of this Act in respect of the commission of that other civil offence.

(6) An accused charged before a court-martial with an offence specified in the first column of the Third Schedule to this Act may be found guilty of an offence specified in relation thereto in the second column of that Schedule.

Rules of  
evidence.

**99.**—(1) The rules as to the admissibility of evidence to be observed in proceedings before courts-martial shall be the same as those observed in civil courts in England, and no person shall be required in proceedings before a court-martial to answer any question or to produce any document which he could not be required to answer or produce in similar proceedings before a civil court in England.

(2) Notwithstanding anything in the last foregoing subsection, a statutory declaration shall, in a trial by court-martial, be admissible as evidence of the facts stated in the declaration in a case where, and to the extent to which, oral evidence to the like effect would be admissible in that trial:

Provided that a statutory declaration shall not be admitted in evidence in any such trial on behalf either of the prosecution or of the defence—

(a) where the declaration is put forward on behalf of the prosecution, unless a copy of the declaration has, not less than seven days before the commencement of the trial, been served on the accused;

(b) where the declaration is put forward on behalf of the defence, unless a copy of the declaration has, not less than seven days before the commencement of the trial, been served on the commanding officer of the accused;

(c) in any case, if, not later than three days before the commencement of the trial or within such further time as the court-martial may in special circumstances allow, the accused or, as the case may be, the commanding officer of the accused serves a notice in the prescribed form on the commanding officer or accused requiring that oral evidence shall be given in lieu of the declaration ;

(d) in any case, if the court-martial is of opinion that it is desirable in the interests of justice that oral evidence should be given in lieu of the declaration and declares that it is of that opinion.

(3) A court-martial shall take judicial notice of all matters of notoriety, including all matters within the general service knowledge of the court, and of all other matters of which judicial notice would be taken in a civil court in England.

**100.** A witness before a court-martial or any other person whose duty it is to attend on or before the court shall be entitled to the same immunities and privileges as a witness before the High Court in England.

PART II  
—cont.

Privilege of  
witnesses and  
others at  
courts-martial.

**101.** Where in the United Kingdom or in any colony any person not subject to military law—

(a) having been duly summoned to attend as a witness before a court-martial, fails to comply with the summons, or

(b) refuses to swear an oath when duly required by a court-martial to do so, or

(c) refuses to produce any document in his custody or under his control which a court-martial has lawfully required him to produce, or

(d) when a witness, refuses to answer any question which a court-martial has lawfully required him to answer, or

(e) wilfully insults any person, being a member of a court-martial or a witness or any other person whose duty it is to attend on or before the court, while that person is acting as a member thereof or is so attending, or wilfully insults any such person as aforesaid while that person is going to or returning from the proceedings of the court, or

(f) wilfully interrupts the proceedings of a court-martial or otherwise misbehaves before the court, or

(g) does any other thing which would, if the court-martial had been a court of law having power to commit for contempt, have been contempt of that court,

the president of the court-martial may certify the offence of that person under his hand to any court of law in the part of the United Kingdom or in the colony, as the case may be, where the

Offences by  
civilians in  
relation to  
courts-martial.

**PART II**  
—*cont.*

offence is alleged to have been committed, being a court having power to commit for contempt, and that court of law may thereupon inquire into the alleged offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court to which the offence is certified :

Provided that where the offence is alleged to have been committed in the United Kingdom and the court-martial was held outside the United Kingdom, the certifying of the offence may be done by the Army Council or any officer authorised by them.

**Affirmations.**

**102. If—**

- (a) a person required by virtue of this Act to take an oath for the purposes of proceedings before a court-martial objects to being sworn, and states as the ground of his objection either that he has no religious belief or that the taking of an oath is contrary to his religious belief, or
- (b) it is not reasonably practicable to administer an oath to such a person as aforesaid in the manner appropriate to his religious belief,

he shall be permitted to make a solemn affirmation in the prescribed form instead of taking an oath.

*Offences : procedure*

**Rules of  
Procedure.**

**103.—**(1) Subject to the provisions of this section, the Secretary of State may make rules (hereinafter referred to as Rules of Procedure) with respect to the investigation and trial of, and awarding of punishment for, offences cognizable by courts-martial, commanding officers and appropriate superior authorities and with respect to the confirmation and revision of findings and sentences of courts-martial.

(2) Without prejudice to the generality of the last foregoing subsection, Rules of Procedure may make provision with respect to all or any of the following matters, that is to say—

- (a) the procedure to be observed in the bringing of charges before commanding officers and appropriate superior authorities ;
- (b) the manner in which charges so brought are to be investigated, and the taking of evidence (whether orally or in writing, whether or not on oath and whether in full or in summary or abstract form) for the purpose

- of investigating or dealing summarily with such charges or otherwise as a preliminary to the trial thereof by court-martial, so however that the Rules shall make provision for the application of section ninety-three of this Act in any case where the accused requires that evidence shall be taken on oath ;
- (c) the addition to, or substitution for, a charge which has been investigated of a new charge for an offence disclosed by evidence taken on the investigation and the treating of the investigation as the investigation of the new charge ;
  - (d) the convening and constitution of courts-martial ;
  - (e) the sittings, adjournment and dissolution of courts-martial ;
  - (f) the procedure to be observed in trials by court-martial ;
  - (g) the representation of the accused at such trials ;
  - (h) procuring the attendance of witnesses before courts-martial and at the taking of evidence in pursuance of rules made under paragraph (b) of this subsection ;
  - (i) applying in relation to proceedings before commanding officers and appropriate superior authorities and otherwise in relation to proceedings prior to trial by court-martial all or any of the provisions of the four last foregoing sections ;
  - (j) empowering a court-martial or the convening officer, in such cases and to such extent as may be prescribed, to amend a charge which is being tried by the court ;
  - (k) empowering a court-martial, where the particulars proved or admitted at the trial differ from those alleged in the charge but are sufficient to support a finding of guilty of the like offence as that charged, to make a finding of guilty subject to exceptions or variations specified in the finding if it appears to the court that the difference is not so material as to have prejudiced the accused in his defence ;
  - (l) the forms of orders and other documents to be made for the purposes of any provision of this Act or the Rules relating to the investigation or trial of, or award of punishment for, offences cognizable by courts-martial, commanding officers or appropriate superior authorities or to the confirmation and revision of the findings and sentences of courts-martial ; and
  - (m) any matter which by this Part of this Act is required or authorised to be prescribed.

**PART II**  
—*cont.*

(3) Rules made by virtue of paragraph (j) of the last foregoing subsection shall secure that the power to amend charges shall not be exercisable in circumstances substantially different from those in which indictments are amendable by a civil court in England, or otherwise than subject to the like conditions, as nearly as circumstances admit, as those subject to which indictments are so amendable, and shall not be exercisable by a court-martial (otherwise than for the purpose only of correcting a mistake in the name or description of the accused or a clerical error or omission) unless there is a judge advocate present at the trial.

(4) Rules of Procedure shall not make provision with respect to the carrying out of sentences passed by courts-martial or of other punishments awarded under this Part of this Act.

(5) A Rule of Procedure which is inconsistent with the provisions of this Act shall to the extent of the inconsistency be void.

Rules as to  
exercise of  
functions of  
judge advocate.

**104.**—(1) Rules of Procedure may make provision as to the exercise by a judge advocate of his functions at a trial by court-martial.

(2) Without prejudice to the generality of the foregoing provisions of this section, Rules of Procedure may make provision—

(a) as to the effect of advice or rulings given to the court by a judge advocate on questions of law ;

(b) for requiring or authorising the president of a court-martial, in such cases as may be specified in the Rules, to direct that questions of law shall be determined by a judge advocate in the absence of the president and other members of the court and any officers under instruction, and for applying to the judge advocate and his proceedings on any such determination such of the provisions of this Act relating to the court or its members and the proceedings thereof as may be specified in the Rules.

(3) In the last foregoing subsection references to questions of law include references to questions as to the joinder of charges and as to the trial of persons jointly or separately.

Taking of  
offences into  
consideration.

**105.**—(1) Rules of Procedure may be made for determining the cases in which and the extent to which courts-martial may, in sentencing an accused for any offence of which he is convicted, at the request of the accused take into consideration other offences against this Act committed by him.

(2) Where Rules of Procedure make such provision as aforesaid, they may also make provision for conferring on the court taking one or more offences into consideration power to direct the making of such deductions from the offender's pay as the court would have had power to direct if he had been found guilty of the offence or offences taken into consideration as well as of the offence of which he was in fact found guilty.

PART II  
—cont.

**106.** The power to make Rules of Procedure shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Rules of Procedure to be subject to annulment.

*Confirmation, revision and review of proceedings of courts-martial*

**107.**—(1) Where a court-martial finds the accused guilty on any charge, the record of the proceedings of the court-martial shall be transmitted to a confirming officer for confirmation of the finding and sentence of the court on that charge.

Confirmation of proceedings of courts-martial.

(2) A finding of guilty or sentence of a court-martial shall not be treated as a finding or sentence of the court until confirmed:

Provided that this subsection shall not affect the keeping of the accused in custody pending confirmation or the operation of the two next following sections or the provisions of this Act as to confirmation or approval.

**108.** At any time after a court-martial has sentenced the accused, but not later than the prescribed time after confirmation is completed, the accused may in the prescribed manner present a petition against finding or sentence or both.

Petitions against finding or sentence.

**109.**—(1) A confirming officer may direct that a court-martial shall revise any finding of guilty come to by the court in any case where it appears to him—

Revision of findings of courts-martial.

(a) that the finding was against the weight of evidence, or

(b) that some question of law determined at the trial and relevant to the finding was wrongly determined.

(2) Any such direction shall be accompanied by the necessary directions for the re-assembly of the court, and shall contain a statement of the reasons for the direction.

(3) On any revision of a finding the court shall reconsider the finding, and (unless the court adheres thereto) may substitute therefor either a finding of not guilty or any other finding to which the court could originally have come at the trial in lieu of the finding under revision.

(4) On any such revision the court shall not have power to receive further evidence.

(5) Where on any such revision the court either adheres to the original finding or substitutes therefor a finding of guilty of another offence, or of the same offence in different circumstances, the court may substitute a different sentence for the original sentence:

Provided that the court shall not have power to substitute a sentence of a punishment greater than the punishment or greatest

**PART II**  
—*cont.*

of the punishments awarded by the original sentence, or to substitute a sentence which in the opinion of the court is more severe than the original sentence.

(6) The confirming officer shall not have power to direct the revision of any substituted finding come to by the court on a previous direction of the confirming officer, or the revision of the original finding if adhered to by the court on such a previous direction ; but save as aforesaid this Act shall apply to the proceedings of the court on any such revision as it applies to their deliberations on the original finding or sentence, and any substituted finding or sentence shall be treated for all purposes as an original finding or sentence of the court :

Provided that the decision of the court on the revision shall not be required to be announced in open court.

**Powers of  
confirming  
officers.**

**110.**—(1) Subject to the provisions of the last foregoing section and to the following provisions of this section, a confirming officer shall deal with the finding or sentence of a court-martial either by withholding confirmation, if of opinion that the finding of the court is unreasonable or cannot be supported having regard to the evidence or involves a wrong decision on a question of law or that, on any ground, there was a miscarriage of justice, or by confirming the finding or sentence or referring the finding or sentence, or both, for confirmation to a higher confirming officer.

(2) In lieu of withholding confirmation of the finding of a court-martial, a confirming officer may, if—

- (a) some other finding of guilty could have been validly made by the court-martial on the charge before it, and
- (b) he is of opinion that the court-martial must have been satisfied of the facts necessary to justify that other finding,

substitute that other finding, and if he does so he shall consider in what manner, if at all, the powers conferred by subsection (4) of this section should be exercised.

(3) Where it appears to a confirming officer that a sentence of a court-martial is invalid, he may in lieu of withholding confirmation of the sentence substitute therefor a sentence of any punishment or punishments which could have been awarded by the court, not being greater than the punishment or greatest of the punishments awarded by the court and not in his opinion more severe than that punishment or those punishments.



(4) In confirming the sentence of a court-martial, a confirming officer may—

PART II  
—cont.

- (a) remit in whole or in part any punishment awarded by the court ; or
- (b) commute any such punishment for one or more punishment or punishments provided by this Act, being less than the punishment commuted.

(5) In confirming any sentence, a confirming officer may postpone the carrying out of the sentence for such time as seems expedient, and a confirming officer may extend or terminate any postponement ordered under this subsection.

(6) A finding or sentence substituted by the confirming officer, or any sentence having effect after the confirming officer has remitted or commuted punishment, shall be treated for all purposes as a finding or sentence of the court duly confirmed.

(7) The confirmation of a finding or sentence shall not be deemed to be completed until the finding or sentence has been promulgated ; and in the event of any such substitution, remission or commutation as aforesaid the finding or sentence shall be promulgated as it has effect after the substitution, remission or commutation.

(8) Where the confirming officer determines to withhold confirmation, the determination shall be promulgated and shall have effect as from the promulgation thereof.

**111.**—(1) Subject to the provisions of this section, the following shall have power to confirm the finding and sentence of any court-martial, that is to say :—

Confirming  
officers.

- (a) the officer who convened the court-martial or any officer superior in command to that officer ;
- (b) the successor of any such officer or superior officer, or any person for the time being exercising the functions of any such officer or superior officer ;
- (c) failing any such officer as aforesaid, any officer appointed by the Army Council to act as confirming officer, whether for the particular case or for a specified class of cases.

(2) The following shall not have power to confirm the finding or sentence of a court-martial, that is to say :—

- (a) any officer who was a member of the court-martial, or
- (b) any person who as commanding officer of the accused investigated the allegations against him or who is for the time being the commanding officer of the accused, or
- (c) any person who as appropriate superior authority investigated the allegations against the accused :

**PART II**  
—cont.

Provided that a person excluded by the foregoing provisions of this subsection may act as confirming officer for a field general court-martial, if otherwise having power to do so, where he is of opinion that it is not practicable, having due regard to the public service, to delay the case for the purpose of referring it to another confirming officer.

(3) A warrant or authorisation empowering the convening of a general or district court-martial may reserve for confirmation by superior authority findings or sentences or both in such circumstances as may be specified by or under the warrant or authorisation, and the powers conferred by subsection (1) of this section shall be exercisable subject to any such reservation.

(4) Where a person is found guilty by a court-martial held on board any ship and is disembarked before the finding or sentence has been confirmed it may be confirmed by any officer under, or in the area of, whose command he is for the time being, being an officer having power to confirm courts-martial of the like description as that held on board the ship.

Approval as well as confirmation required for certain death sentences.

**112.**—(1) A sentence of death confirmed by an officer below the rank of general officer shall not be carried into effect unless approved by a general officer or by a naval or air-force officer of corresponding rank, being a naval or air-force officer commanding the command in which the person under sentence was serving at the date of the sentence.

(2) Without prejudice to the provisions of the last foregoing subsection, a sentence of death passed by a court-martial shall not be carried into effect in a colony unless approved by the Governor of the colony.

(3) Notwithstanding anything in the foregoing provisions of this section, sentence of death passed on a person on active service may be carried out without such approval as is mentioned in subsection (1) or subsection (2) of this section where in the opinion of the confirming officer it is essential in the interests of discipline and for the purpose of securing the safety of the force with which the person sentenced is present that the sentence should be carried out forthwith, and the confirming officer states that opinion in the minute confirming the sentence.

Review of findings and sentences of courts-martial.

**113.**—(1) A finding or sentence which has been confirmed may at any time be reviewed by a reviewing authority, and if after confirmation of a finding or sentence a petition is duly presented under section one hundred and eight of this Act against the finding or sentence then, subject to the provisions of this section, the finding or sentence shall be so reviewed as soon as may be after the presentation of the petition and after consideration of the matters alleged therein.

(2) The reviewing authorities for the purposes of this Act are the following:—

PART II  
—cont.

- (a) Her Majesty,
- (b) the Army Council, or (so far as the delegation extends) any officer to whom the powers of the Army Council as reviewing authority, or any of those powers, may be delegated by, or by regulations of, the Army Council,
- (c) any officer superior in command to the confirming officer.

(3) If an application for leave to appeal is received by the registrar of the Courts-Martial Appeal Court or the said registrar receives particulars of such an application furnished in pursuance of paragraph (b) of subsection (3) of section four of the Courts-Martial (Appeals) Act, 1951, so much of subsection (1) of this section as requires the review of a finding or sentence against which a petition has been presented shall thereupon cease to apply to the finding to which the application for leave to appeal relates and the sentence passed in consequence of that finding.

(4) Notwithstanding anything in subsection (1) of this section, a sentence of death passed on a person on active service and the finding of guilty in consequence of which it was passed shall not be required to be reviewed if in the opinion of the confirming officer it is essential in the interests of discipline and for the purpose of securing the safety of the force with which the person sentenced is present that the sentence should be carried out forthwith, and the confirming officer states that opinion in the minute confirming the sentence.

(5) On a review under this section the reviewing authority may—

- (a) in so far as the review is of a finding, quash the finding and, if the sentence relates only to the finding quashed, the sentence;
- (b) in so far as the review is of a sentence, quash the sentence;
- (c) in any case, exercise the like powers of substituting findings, substituting valid for invalid sentences and remitting or commuting punishment as are conferred on a confirming officer by subsections (2) to (4) of section one hundred and ten of this Act;

and any substituted finding or sentence, or sentence having effect after the remission or commutation of punishment, shall be treated for all purposes as a finding or sentence of the court duly confirmed.

**PART II**  
—*cont.*

(6) Where a reviewing authority exercises any of the powers conferred by the last foregoing subsection, the determination of the authority shall be promulgated and shall have effect as from the promulgation thereof.

**Reconsideration of sentences of imprisonment and detention.**

**114.**—(1) Sentences of imprisonment and detention may be reconsidered by such officers (not below the rank of brigadier or corresponding naval or air-force rank) as may be specified by regulations of the Army Council ; and if on any such reconsideration it appears that the conduct of the offender since his conviction has been such as to justify remission of the sentence, whether in whole or in part, it shall be remitted accordingly.

(2) The power to reconsider a sentence may be exercised at any time after confirmation, and where after the review of a sentence it is effective it shall be reconsidered not less frequently than at such intervals as may be specified by regulations of the Army Council :

Provided that delay in complying with this subsection shall not invalidate the sentence.

*Review of summary findings and awards*

**Review of summary findings and awards.**

**115.**—(1) Where a charge has been dealt with summarily, otherwise than by the dismissal thereof, the authority hereinafter mentioned may at any time review the finding or award.

(2) The said authority is—

(a) the Army Council, or

(b) any military, naval or air-force officer superior in command to the officer who dealt summarily with the charge, or

(c) any other officer being—

(i) a general officer or brigadier appointed by the Army Council to act for the purposes of this section in any particular case, or

(ii) a general officer or brigadier, or general officer or brigadier of a class, so appointed for any class of cases.

(3) Where on a review under this section it appears to the said authority expedient so to do by reason of any mistake of law in the proceedings on the summary dealing with the charge or of anything occurring in those proceedings which in

the opinion of the authority involved substantial injustice to the accused, the authority may quash the finding; and if the finding is quashed the authority shall also quash the award.

PART II  
—cont.

(4) Where on a review under this section it appears to the said authority that a punishment awarded was invalid, or too severe, or (where the award included two or more punishments) that those punishments or some of them could not validly have been awarded in combination or are, taken together, too severe, the authority may vary the award by substituting such punishment or punishments as the authority may think proper, being a punishment or punishments which could have been included in the original award and not being in the opinion of the authority more severe than the punishment or punishments included in the original award.

#### *Findings of insanity*

**116.**—(1) Where, on the trial of a person by court-martial, it appears to the court that the accused is by reason of insanity unfit to stand his trial, the court shall so find; and if the finding is confirmed in accordance with the following provisions of this section the accused shall be kept in custody in such manner as may be provided by or under regulations of the Army Council until the directions of Her Majesty are known or until any earlier time at which the accused is fit to stand his trial.

Provisions  
where accused  
found insane.

(2) Where, on the trial of a person by court-martial, it appears to the court that the evidence is such as, apart from any question of insanity, to support a finding that the accused was guilty of any offence, but that at the time of the acts or omissions constituting that offence the accused was insane, the court shall find that the accused was guilty of that offence but was insane at the said time, and thereupon the accused shall be kept in custody in such manner as may be provided by or under regulations of the Army Council until the directions of Her Majesty are known.

(3) In the case of any such finding as aforesaid Her Majesty may give orders for the safe custody of the accused during Her pleasure in such place and in such manner as Her Majesty thinks fit.

(4) A finding under subsection (1) of this section shall not have effect unless and until the finding has been confirmed by an officer who would have had power to confirm a finding of guilty come to by the court-martial in question and has been promulgated.

**PART II**  
—*cont.*

(5) Where the court or the confirming officer comes to or substitutes a finding of guilty but insane the confirming officer or, as the case may be, the reviewing authority shall not have power to substitute for that finding a finding of guilty; but save as aforesaid the provisions of this Act as to revision, confirmation and review (and in particular the provisions of this Act which confer power to substitute for any finding any other finding which could have been come to by the court-martial in question) apply in relation to such findings as are provided for by subsection (2) of this section as those provisions apply in relation to other findings of guilty.

*Saving for functions of Judge Advocate General*

Saving for  
functions of  
Judge  
Advocate  
General.

**117.** Nothing in the foregoing provisions of this Part of this Act shall prejudice the exercise of the functions conferred (whether by Queen's Regulations or otherwise) on the Judge Advocate General of considering and reporting on the proceedings of courts-martial or any other functions so conferred on him in relation to such courts.

*Commencement, suspension and duration of sentences*

Commence-  
ment of  
sentences.

**118.**—(1) A military sentence of imprisonment or detention or a sentence of field punishment shall, subject to the provisions of this section and of subsection (7) of section four of the Courts-Martial (Appeals) Act, 1951 (which empowers the Court in certain cases to direct that a sentence shall begin to run from the day on which the Court dismisses an application for leave to appeal), begin to run from the beginning of the day on which sentence was originally pronounced by the court-martial trying the offender or, as the case may be, was originally awarded by his commanding officer.

(2) A sentence of imprisonment or detention passed by a court-martial on a warrant officer, non-commissioned officer or soldier which is suspended in pursuance of section one hundred and twenty of this Act before he has been committed to prison or a military establishment shall not begin to run until the beginning of the day on which the suspension is determined:

Provided that where the sentence is suspended by the confirming officer and the reviewing authority determines the suspension, the reviewing authority may direct that the sentence shall run from such earlier date, not earlier than the day on which sentence was originally pronounced by the court-martial, as the reviewing authority may specify.

Duration of  
sentences of  
imprisonment  
and  
detention.

**119.**—(1) Where a warrant officer, non-commissioned officer or soldier has been sentenced to imprisonment or detention by a court-martial, and the sentence is suspended in pursuance of

the next following section after he has been committed to prison or a military establishment, the currency of the sentence shall be suspended from the beginning of the day after the day on which he is released in accordance with the provisions of the next following section until the beginning of the day on which the suspension is determined.

(2) Where any person serving a military sentence of imprisonment or detention becomes unlawfully at large during the currency of the sentence, then, in calculating the period for which he is liable to be imprisoned or detained in pursuance of the sentence, no account shall be taken of time elapsing during the period beginning with the day on which he became at large and ending with the day on which, as a person having become unlawfully at large, he is taken into naval, military or air force custody or the custody of a civil authority or (not having been taken into such custody) returns to the place in which he was imprisoned or detained before he became unlawfully at large:

Provided that if he satisfies such authority as may be specified in that behalf by or under Imprisonment and Detention Rules that during any time during the last-mentioned period he was—

- (a) in the custody of a civil authority, or
- (b) if and in so far as Imprisonment and Detention Rules so provide, in the custody of any military, naval or air-force authority of any country or territory outside the United Kingdom as respects which arrangements have been made under section one hundred and twenty-six of this Act,

the last-mentioned time shall not be disregarded in calculating the period for which he is liable to be imprisoned or detained in pursuance of the military sentence.

(3) In the last foregoing subsection the expression “civil authority” means a civil authority (whether of the United Kingdom or of any country or territory outside the United Kingdom) authorised by law to detain persons, and includes a constable.

(4) Without prejudice to subsection (2) of this section, where any person serving a military sentence of imprisonment or detention has in accordance with Imprisonment and Detention Rules been temporarily released on compassionate grounds, then, in calculating the period for which he is liable to be imprisoned or detained in pursuance of the sentence, no account shall be taken of time elapsing during the period beginning with the day after that on which he is released and ending with the day on which he is required to return to custody.

**PART II**  
—*cont.*

(5) A person who for any period is released as mentioned in the last foregoing subsection or who is otherwise allowed, in pursuance of Imprisonment and Detention Rules, out of any military establishment or otherwise out of military custody for any period or subject to any condition shall, on failure to return at the expiration of the period or to comply with the condition, be treated for the purposes of subsection (2) of this section as being unlawfully at large.

(6) A person serving a military sentence of imprisonment or detention in civil custody who, after being temporarily released under civil law, is at large at any time during the period for which he is liable to be detained in civil custody in pursuance of his sentence shall be deemed to be unlawfully at large if the period for which he was temporarily released has expired or if an order recalling him has been made in pursuance of civil law.

(7) References in the last foregoing subsection to release or recall under civil law are references to release or recall in pursuance of rules made under subsection (5) of section forty-seven of the Prison Act, 1952, subsection (6) of section thirty-five of the Prisons (Scotland) Act, 1952, or paragraph (c) of subsection (1) of section thirteen of the Prisons Act (Northern Ireland) 1953, or (in the case of a person serving his sentence outside the United Kingdom) in pursuance of any corresponding provision of the law of the country or territory in which he is serving his sentence.

**Suspension  
of sentences.**

**120.**—(1) The following provisions of this section shall have effect as respects the suspension of a sentence of imprisonment or detention passed by a court-martial on a warrant officer, non-commissioned officer or soldier.

(2) Without prejudice to subsection (5) of section one hundred and ten of this Act, in confirming such a sentence the confirming officer may order that the sentence shall be suspended.

(3) Any such sentence which is not for the time being suspended may, on the review or reconsideration of the sentence, be suspended by order of the authority reviewing or reconsidering the sentence.

(4) The suspension of any such sentence may (without prejudice to its again being suspended) be determined on the review or reconsideration of the sentence by an order of the said authority committing the person sentenced to imprisonment or detention, as the case may be.

(5) Where, while any such sentence is suspended, the person sentenced is sentenced by court-martial to imprisonment or detention for a fresh offence then (unless the balance of the



earlier sentence is remitted by virtue of subsection (10) of section seventy-two of this Act)—

PART II  
—cont.

- (a) the court may determine the suspension of the earlier sentence by an order committing the person sentenced to imprisonment or detention, as the case may be, and if so the court shall direct whether the two sentences are to run concurrently or consecutively ;
- (b) if the court does not exercise the powers conferred by the last foregoing paragraph, the confirming officer may exercise those powers on the confirmation of the later sentence ;
- (c) if neither the court nor the confirming officer exercises the said powers, a reviewing authority may exercise those powers on the review of the later sentence ;
- (d) where the said powers are exercised (whether by the court, the confirming officer or a reviewing authority), any power of suspension or remission exercisable in relation to the later sentence shall be exercisable also in relation to the earlier sentence :

Provided that this subsection has effect subject to the provisions of subsection (11) of section seventy-two of this Act.

(6) Without prejudice to the further suspension of the earlier sentence, an order under the last foregoing subsection directing that the suspension of that sentence shall be determined shall not be affected by the later sentence not being confirmed or by its being quashed.

(7) Where the sentence of a person in custody is suspended, he shall thereupon be released.

(8) The maximum intervals for the reconsideration, under subsection (2) of section one hundred and fourteen of this Act, of a sentence of imprisonment or detention which is suspended shall be three months, and not those specified under the said subsection.

*Execution of sentences of death, imprisonment and detention*

121.—(1) The Secretary of State may make regulations with respect to the execution of sentences of death under this Act, whether passed in the United Kingdom or elsewhere. Execution of sentences of death.

(2) Without prejudice to the generality of the last foregoing subsection regulations under this section may make provision with respect to all or any of the following matters, that is to say—

- (a) the manner in which, the person by whom and the country or territory, place and kind of establishment (whether military or not) where any such sentence is to be executed ; and

**PART II**  
—cont.

- (b) the custody and treatment of the person under sentence and his removal from one place or establishment to another between the passing and execution of the sentence,

or may authorise such persons as may be specified in or determined by or under the regulations to give directions with respect to all or any of those matters.

(3) Such provost marshal or other provost officer not below field rank as may be specified in or determined under regulations under this section shall be responsible for the due execution of any sentence of death passed under this Act.

**Imprisonment  
and Detention  
Rules.**

**122.**—(1) Subject to the provisions of this Act, the Secretary of State may make rules (in this Part of this Act referred to as Imprisonment and Detention Rules) with respect to all or any of the following matters, that is to say—

- (a) the places in which and the establishments or forms of custody (whether military or not) in which persons may be required to serve the whole or any part of military sentences of imprisonment and detention passed on them ;
- (b) the committal of persons under military sentences of imprisonment or detention to the appropriate establishment or form of custody, their removal from one country or place to another and from one establishment or form of custody to another and their release on the coming to an end of any term of imprisonment or detention ;
- (c) the provision, classification, regulation and management of military establishments ;
- (d) the classification, treatment, employment, discipline and control of persons serving military sentences of imprisonment or detention in military establishments or otherwise in military custody ;
- (e) the temporary release on compassionate grounds of persons serving such sentences in such establishments or custody as aforesaid, the cases in which, periods for which and conditions subject to which they may be allowed out of any such establishment or custody and the remission of part of any such sentence for good conduct and industry ;
- (f) the appointment, powers and duties of inspectors, visitors and governors, and of officers and other members of the staff, of military establishments.

(2) Imprisonment and Detention Rules shall not authorise the infliction of corporal punishment.

(3) Imprisonment and Detention Rules may apply with the necessary modifications all or any of the provisions of sections thirty-nine to forty-two of the Prison Act, 1952 (which relate to offences by persons other than prisoners).

PART II  
—cont.

(4) Imprisonment and Detention Rules may, to such extent as may be provided by the Rules, be made so as to apply to persons detained in military establishments while serving sentences of imprisonment or detention awarded under the Naval Discipline Act or the Air Force Act, 1955, notwithstanding that such persons are not for the time being subject to military law.

(5) The Secretary of State may as respects any area in which persons subject to military law are on active service delegate his power to make Imprisonment and Detention Rules to the officer commanding the command within which those persons are serving, subject to such restrictions, reservations, exceptions and conditions as the Secretary of State may think fit.

123.—(1) Regulations made under section one hundred and twenty-one of this Act or Imprisonment and Detention Rules may contain such incidental and supplementary provisions as appear to the Secretary of State to be requisite for the purposes of the regulations or rules.

Supplementary provisions relating to regulations and rules under ss. 121 & 122.

(2) Any such regulations or rules as aforesaid made by the Secretary of State shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

124. A person shall not be required to serve any part of a military sentence of detention in a military or civil prison :

Restrictions on serving of sentences of detention in prisons.

Provided that in such cases and subject to such conditions as may be specified by or under Imprisonment and Detention Rules a person serving such a sentence may be temporarily detained in a military or civil prison for any period not exceeding seven days.

125.—(1) A person sentenced to death or imprisonment and committed or transferred to a civil prison in pursuance of regulations under section one hundred and twenty-one of this Act or of Imprisonment and Detention Rules shall while in that prison be confined and otherwise dealt with in the same manner as a person confined therein under a like sentence of a civil court.

Special provisions as to civil prisons in the United Kingdom.

(2) The Capital Punishment Amendment Act, 1868, and any rules made under section seven of that Act shall apply in relation to the execution in a civil prison of a sentence of death

**PART II**  
—*cont.*

passed by a court-martial for any offence, but with the substitution in that Act for references to the sheriff of references to the provost marshal or other provost officer responsible for the due execution of the sentence.

Special provisions as to carrying out or serving of sentences outside the United Kingdom otherwise than in military establishments.

**126.**—(1) A Secretary of State may from time to time make arrangements with the authorities of any country or territory outside the United Kingdom whereby sentences of death passed by courts-martial may in accordance with regulations under section one hundred and twenty-one of this Act be carried out in establishments under the control of those authorities and military sentences of imprisonment or detention may in accordance with Imprisonment and Detention Rules be served wholly or partly in such establishments.

(2) The powers conferred on the Secretary of State by sections one hundred and twenty-one and one hundred and twenty-two of this Act shall extend to the making of such provision as appears to the Secretary of State necessary or expedient for giving effect to any arrangements made under the last foregoing subsection.

(3) The said powers shall be so exercised as to secure that no sentence of death passed by a court-martial shall be executed, and no military sentence of imprisonment or detention shall be served, in an establishment in any country or territory outside the United Kingdom not being a military establishment, except in accordance with arrangements made as respects that country or territory.

Country in which sentence of imprisonment or detention to be served.

**127.**—(1) A person who is serving a military sentence of imprisonment or detention in the United Kingdom may (in so far as may be specified by or under Imprisonment and Detention Rules) be removed out of the United Kingdom—

(a) to any colony in which he was enlisted ; or

(b) to any place out of the United Kingdom where the corps or any part thereof to which for the time being he belongs is serving or is under orders to serve,

but not to any other place.

(2) Subject to the following provisions of this section, a person sentenced under this Act, by a court-martial held out of the United Kingdom, to imprisonment or detention for more than twelve months shall as soon as practicable after the confirmation of the sentence is completed be removed to the United Kingdom.

(3) The last foregoing subsection shall not apply in relation to any person belonging to a class of persons specified by or

under Imprisonment and Detention Rules as persons whose removal to the United Kingdom would for reasons of climate, place of birth or place of enlistment or any other reason not be beneficial.

PART II  
—cont.

(4) Where a person has been sentenced under this Act, by a court-martial held out of the United Kingdom, to imprisonment or detention for more than twelve months, the confirming officer or reviewing authority may notwithstanding anything in subsection (2) of this section direct that he shall not be required to be removed to the United Kingdom until he has served such part of his sentence, not exceeding (in the case of a sentence of more than two years' imprisonment) two years, as may be specified in the direction; and in determining whether or not to exercise the powers conferred by this subsection a confirming officer or reviewing authority shall have regard to any recommendation in that behalf made by the court-martial.

(5) Any direction of a confirming officer under this section may at any time be revoked by the confirming officer or by a reviewing authority, or superseded by any direction of the confirming officer or a reviewing authority which the officer or authority could have given under the last foregoing subsection; and any direction of a reviewing authority under this section may at any time be revoked by a reviewing authority or superseded as aforesaid.

(6) Any direction given under this section, and the revocation of any such direction, shall be promulgated.

(7) In ascertaining at any time for the purposes of this section the nature or length of a sentence regard shall be had to any commutation or remission of the sentence previously directed.

**128.**—(1) Section five of the Capital Punishment Amendment Act, 1868 (which makes special provision for the holding of inquests on the bodies of persons on whom judgment of death has been executed within the jurisdiction of a coroner) shall apply in relation to the execution, in any premises in the United Kingdom under the control of the Secretary of State within such jurisdiction, of a sentence of death passed under this Act by a court-martial as it applies to the execution of a judgment of death passed by a civil court, but with the substitution for the reference to the sheriff of a reference to the provost marshal or other provost officer responsible for the due execution of the sentence.

Application of enactments relating to coroners.

(2) The Coroners Acts, 1887 to 1926 shall apply in relation to any premises in the United Kingdom under the control of the Secretary of State and allocated for the accommodation of persons sentenced by court-martial to imprisonment or detention as those Acts apply in relation to a prison.

PART II  
—cont.

Duties of  
governors of  
prisons and  
others to  
receive  
prisoners.

**129.**—(1) It shall be the duty of the governor of a civil prison, or, in so far as regulations under section one hundred and twenty-one of this Act or Imprisonment and Detention Rules so provide, of the superintendent or other person in charge of a prison (not being a military prison) in a colony, to receive any person duly sent to that prison in pursuance of the regulations or rules and to confine him until execution of the sentence is completed or the prisoner is discharged or delivered over in due course of law.

(2) Where a person is in military custody in pursuance of a military sentence of imprisonment or detention, then on receipt of a written order in that behalf purporting to be signed by that person's commanding officer it shall be the duty of any such governor, superintendent or other person as aforesaid, of the police officer in charge of a police station or of any person in charge of any other place in which prisoners may be lawfully confined (whether the station or place is in the United Kingdom or in a colony) to keep that person in custody for a period not exceeding seven days unless the said person is earlier discharged or delivered over in due course of law.

Application  
to air-force  
establishments  
and custody.

**130.**—(1) In section one hundred and eighteen of this Act, the reference in subsection (2) to a military establishment shall include a reference to an air-force establishment (within the meaning of the Air Force Act, 1955).

(2) In section one hundred and nineteen of this Act references to a military establishment and to Imprisonment and Detention Rules shall include respectively references to such an air-force establishment as aforesaid and to Imprisonment and Detention Rules made under the Air Force Act, 1955, and the reference in subsection (5) to military custody shall include a reference to air-force custody.

(3) In section one hundred and twenty-four of this Act the reference to a military prison shall include a reference to an air-force prison (within the meaning of the Air Force Act, 1955).

(4) In subsection (3) of section one hundred and twenty-six of this Act the reference to a military establishment shall include a reference to an air-force establishment (within the meaning of the Air Force Act, 1955).

*Trial of persons ceasing to be subject to military law and time limits for trials*

Trial and  
punishment of  
offences under  
military law  
notwithstanding  
offender ceasing  
to be subject to  
military law.

**131.**—(1) Subject to the provisions of the next following section, where an offence under this Act triable by court-martial has been committed, or is reasonably suspected of having been committed, by any person while subject to military law, then in relation to that offence he shall be treated, for the purposes of the provisions of this Act relating to arrest, keeping in custody, investigation of charges, trial and punishment by

court-martial (including confirmation, review, reconsideration and suspension) and execution of sentences as continuing subject to military law notwithstanding his ceasing at any time to be subject thereto.

PART II  
—cont.

(2) Where, while a person is in military or air-force custody by virtue of this section (whether before, during or after trial) he commits, or is reasonably suspected of having committed, an offence which if he were subject to military law would be an offence under this Act triable by court-martial, then in relation to that offence or suspected offence he shall be treated, for the purposes of the provisions of this Act mentioned in the last foregoing subsection and the provisions thereof as to the summary dealing with charges, as having been subject to military law when the offence was committed or is suspected of having been committed and as continuing subject to military law thereafter.

(3) Where by virtue of either of the two last foregoing subsections a person is treated as being at any time subject to military law for the purpose of any provision of this Act, that provision shall apply to him—

- (a) if he holds any military rank, as to a person having that rank ;
- (b) if he holds any naval or air-force rank or rating, as to a person having the corresponding military rank ;
- (c) otherwise as to a person having the rank which he had when last actually subject to military law :

Provided that as respects any time after he has been sentenced for the offence in question and the sentence has been confirmed the said provision shall apply to him (in any case) as to a soldier.

(4) Where apart from this subsection any provision of this Act would under the last foregoing subsection apply to a person, in relation to different offences, as to a person having different ranks, it shall apply to him as to a person having the lower or lowest of those ranks.

**132.**—(1) No person shall be tried by court-martial for any offence, other than one against section thirty-one or thirty-two of this Act or desertion, unless the trial is begun within three years after the commission of the offence, there being disregarded any time during which he was a prisoner of war and any time during which he was illegally absent :

Limitation of time for trial of offences under military law.

Provided that—

- (a) in the case of an offence against section seventy of this Act where proceedings for the corresponding civil offence must, by virtue of any enactment, be brought within a limited time, that limit of time shall apply to the trial of the offence under the said section seventy in substitution for the foregoing provisions of this subsection ;

F

PART II  
—cont.

(b) subject to any such limit of time as is mentioned in the last foregoing paragraph, a person may be tried by court-martial for a civil offence committed outside the United Kingdom notwithstanding that it was committed more than three years before the beginning of the trial, if the Attorney General consents to the trial.

(2) Where a person who has committed an offence of desertion, other than desertion on active service, has since the offence served as a member of the regular forces continuously in an exemplary manner for not less than three years, he shall not be tried for that offence.

(3) A person shall not be triable by virtue of subsection (1) of the last foregoing section unless his trial is begun within three months after he ceases to be subject to military law, or the trial is for a civil offence committed outside the United Kingdom and the Attorney General consents to the trial:

Provided that this subsection shall not apply to an offence against section thirty-one or thirty-two of this Act or desertion.

(4) A person shall not be arrested or kept in custody by virtue of subsection (1) of the last foregoing section for an offence at any time after he has ceased to be triable for the offence.

*Relations between military law and civil courts and  
finality of trials*

Powers of  
civil courts.

**133.**—(1) Nothing in this Act restricts the offences for which persons may be tried by any civil court, or the jurisdiction of any civil court to try a person subject to military law for any offence.

(2) Where a person is tried by a civil court for any offence, and he has previously been sentenced by court-martial to punishment for any act or omission constituting (whether wholly or in part) that offence, or in pursuance of this Act he has been punished for any such act or omission by his commanding officer or the appropriate superior authority, the civil court shall, in awarding punishment, have regard to his punishment in pursuance of this Act.

Persons not to  
be tried under  
this Act for  
offences  
already  
disposed of.

**134.**—(1) Where a person subject to military law—

- (a) has been tried for an offence by a competent civil court or a court-martial (whether held under this Act, the Naval Discipline Act or the Air Force Act, 1955), or has had an offence committed by him taken into consideration by any such court in sentencing him, or
- (b) has been charged with an offence under this Act, the Naval Discipline Act or the Air Force Act, 1955, and has had the charge dismissed, or has been found guilty on the charge, by his commanding officer or the appropriate superior authority, or



(c) has had an offence condoned by his commanding officer (whether military, naval or air-force),

he shall not be liable in respect of that offence to be tried by court-martial or to have the case dealt with summarily by his commanding officer or the appropriate superior authority.

(2) For the purposes of this section—

- (a) a person shall not be deemed to have been tried by a court-martial if confirmation is withheld of a finding by the court-martial that he is guilty of the offence ;
- (b) a person shall not be deemed to have had an offence taken into consideration by a court-martial in sentencing him if confirmation of the sentence of the court is withheld or the sentence is quashed ;
- (c) a case shall be deemed to have been dealt with summarily by the commanding officer or appropriate superior authority notwithstanding that the finding of that officer or authority has been quashed, or the award of that officer or authority quashed or varied, on the review thereof ;
- (d) an offence shall be deemed to have been condoned by the commanding officer of a person alleged to have committed the offence if, and only if, that officer or any officer authorised by him to act in relation to the alleged offence has with knowledge of all relevant circumstances informed him that he will not be charged therewith ;
- (e) a person ordered under subsection (2) of section fifty-seven of this Act or the corresponding provision of the Air Force Act, 1955, to be imprisoned or to undergo detention for an offence against that section or provision shall be deemed to have been tried by court-martial for the offence.

(3) Where confirmation of a finding of guilty of an offence is withheld the accused shall not be tried again by court-martial for that offence unless the order convening the later court-martial is issued not later than twenty-eight days after the promulgation of the decision to withhold confirmation.

(4) Save as provided in the foregoing provisions of this section, proceedings for an offence against this Act (whether before a commanding officer or appropriate superior authority or before a court-martial) shall not be barred on the ground of condonation.

### *Inquiries*

**135.**—(1) Subject to and in accordance with the provisions of Boards of rules made under this section (hereinafter referred to as “ board inquiry of inquiry rules ”), the Army Council or any military, naval or air-force officer empowered by or under such rules so to do may

**PART II**  
—cont.

convene a board of inquiry to investigate and report on the facts relating to—

- (a) the absence of any person subject to military law ;
- (b) the capture of any such person by the enemy ;
- (c) the death of any person in a military establishment, being an establishment in any country or territory outside the United Kingdom where an inquiry into the death is not required to be held by any civil authority ;
- (d) any other matter of a class specified in such rules or referred to such a board by the Army Council or any such officer as aforesaid ;

and a board of inquiry shall, if directed so to do, express their opinion on any question arising out of any matter referred to the board.

(2) A board of inquiry shall consist of not less than three members, who shall be persons subject to military law, the Naval Discipline Act or air-force law, and the president of a board of inquiry shall be an officer not below the rank of captain or corresponding rank.

(3) Subject to the provisions of this section, board of inquiry rules may make provision with respect to the convening, constitution and procedure of boards of inquiry and, without prejudice to the generality of the foregoing, may make provision with respect to all or any of the following matters, that is to say:—

- (a) the rules of evidence to be observed by boards of inquiry and the taking of evidence before such boards, so however that the rules shall provide for the taking of evidence on oath or affirmation except in circumstances such that if the evidence were being taken at a court-martial an oath could be dispensed with ;
- (b) without prejudice to the provisions of the next following section, the making in service books of records of findings of boards of inquiry in such cases as may be provided by the rules ;
- (c) such incidental and supplementary matters as appear requisite for the purposes of the rules.

(4) Board of inquiry rules shall contain provision for securing that any witness or other person who may be affected by the findings of a board of inquiry shall have an opportunity of being present, and represented, at the sittings of the board or such part thereof as may be specified by or under the rules.

(5) Evidence given before a board of inquiry shall not be admissible against any person in proceedings before a court-martial, commanding officer or appropriate superior authority, other than proceedings for an offence against section fifty-eight of this Act or for an offence against section seventy of this Act where the corresponding civil offence is perjury.

(6) The power to make board of inquiry rules shall be exercisable by the Secretary of State by statutory instrument which shall be laid before Parliament.

PART II  
—cont.

**136.**—(1) Where a board of inquiry inquiring into the absence of an officer, warrant officer, non-commissioned officer or soldier reports that he has been absent without leave or other sufficient cause for a period specified in the report, not being less than twenty-one days, a record of the report shall in accordance with Queen's Regulations be entered in the service books. Inquiries into absence.

(2) A record entered in pursuance of the last foregoing subsection shall, unless the absentee subsequently surrenders or is arrested, or the report of the board of inquiry is annulled by the Army Council or a subsequent board of inquiry, have the like effect as a conviction by court-martial for desertion.

**137.**—(1) An officer of any of Her Majesty's military forces authorised in that behalf by or under regulations of the Army Council may cause an inquiry to be held, in such manner and by such person or persons subject to military law, the Naval Discipline Act or air-force law as may be specified by or determined under such regulations, into any matter so specified or determined: Regimental inquiries.

Provided that an inquiry shall not be held in pursuance of this section into—

- (a) the absence of a person subject to military law, or
- (b) the capture of any such person by the enemy.

(2) Regulations of the Army Council made for the purposes of this section may make provision as to the rules of evidence to be observed at inquiries held in pursuance of this section and the taking of evidence at such inquiries, and may authorise the taking of evidence on oath or affirmation, and the administration of oaths, in such cases as may be specified by or under the regulations.

(3) Subsections (4) and (5) of section one hundred and thirty-five of this Act shall apply in relation to inquiries held in pursuance of this section with the substitution of references to regulations of the Army Council for references to board of inquiry rules and of references to an inquiry held in pursuance of this section for references to a board of inquiry.

#### *Miscellaneous provisions*

**138.**—(1) The following provisions shall have effect where a person has been convicted by court-martial of unlawfully obtaining any property, whether by stealing it, receiving it knowing it to have been stolen, fraudulently misapplying it or otherwise. Restitution or compensation for theft, etc.

**PART II**  
**—cont.**

(2) If any of the property unlawfully obtained has been found in the possession of the offender, it may be ordered to be delivered or paid to the person appearing to be the owner thereof.

(3) If there has been found in the possession of the offender any property (other than money) appearing to have been obtained by him by the conversion or exchange of any of the property unlawfully obtained, the property may be ordered to be delivered to the person appearing to be the owner of the property unlawfully obtained.

(4) Where money is found in the possession of the offender, then whether or not it appears to have been obtained as aforesaid an order may be made that there shall be paid out of that money to the person appearing to be the owner of the property unlawfully obtained such sum as may be specified in the order as or towards compensation for the loss caused to the said person by the offence, in so far as not otherwise made good under this Act or by the recovery of the property unlawfully obtained.

(5) Where any of the property unlawfully obtained has been sold or given in pawn to some other person who did not then know it to have been unlawfully obtained, an order may be made that, subject to the restitution to the owner thereof of the property sold or given as aforesaid, there shall be paid to the said other person, out of any money found in the possession of the offender (whether or not the money appears to be proceeds of the sale or giving in pawn), such sum as may be specified in the order as or towards compensation for the loss caused to him in consequence of the sale or giving in pawn.

(6) Where any of the property unlawfully obtained has been given in exchange to some other person who did not then know it to have been unlawfully obtained, an order may be made that, subject to the restitution to the owner thereof of the property given as aforesaid, there shall be restored to the said other person the property taken in exchange for the property unlawfully obtained.

(7) An order under this section may be made by the court-martial by whom the offender is convicted, by the confirming officer, or by any reviewing authority; and in this section the expression "appearing" means appearing to the court, officer or authority making the order.

(8) An order under this section made by a court-martial shall not have effect until confirmed by the confirming officer; and the provisions of this Part of this Act as to the confirmation and review of the proceedings of courts-martial shall apply to an order under this section as they apply to a sentence.

(9) The operation of any order under this section shall be suspended—

PART II  
—cont.

- (a) in any case, until the expiration of the period prescribed under Part I of the Courts-Martial (Appeals) Act, 1951, as the period within which an application for leave to appeal to the Courts-Martial Appeal Court against the conviction must be lodged ; and
- (b) if such an application is duly lodged, until either the application is finally refused or is withdrawn or the appeal is determined or abandoned ;

and where the operation of such an order as aforesaid is suspended under this section—

- (c) it shall not take effect if the conviction is quashed on appeal ;
- (d) the Courts-Martial Appeal Court may by order annul or vary the order although the conviction is not quashed ;
- (e) such steps shall be taken for the safe custody, during the period during which the operation of the order is suspended, of the property ordered to be restored or handed over or the money to which the order relates as may be provided by rules of court made under the said Act of 1951.

(10) Notwithstanding anything in the last foregoing subsection, an order under this section shall not, so far as it relates to the delivery of property to the person appearing to be the owner thereof, be suspended if the court, officer or authority making the order directs to the contrary in any case in which, in the opinion of the court, officer or authority, the title to the property is not in dispute.

(11) An order under this section shall not bar the right of any person, other than the offender or a person claiming through him, to recover any property delivered or paid in pursuance of such an order from the person to whom it is delivered or paid.

**139.** Without prejudice to the powers conferred by Her Majesty on the Judge Advocate General, the appointment of a judge advocate to act at any court-martial may, failing the making thereof by or on behalf of the Judge Advocate General, be made by the convening officer. Appointment of judge advocates.

**140.** Any finding, sentence, determination or other thing required by this Act to be promulgated shall be promulgated either by being communicated to the accused or in such other manner as may be specified by Queen's Regulations or as the confirming officer or reviewing authority, as the case may be, may direct. Promulgation.

PART II  
—cont.  
Custody of  
proceedings of  
courts-martial  
and right of  
accused to a  
copy thereof.

**141.**—(1) The record of the proceedings of a court-martial shall be kept in the custody of the Judge Advocate General for not less than the prescribed period, being a period sufficient to ensure that the rights conferred by the two next following subsections shall be capable of being exercised.

(2) Subject to the provisions of this section, any person tried by a court-martial shall be entitled to obtain from the Judge Advocate General on demand at any time within the relevant period and on payment therefor at such rate as may be prescribed a copy of the record of the proceedings of the court.

(3) Where a person tried by court-martial dies within the relevant period, his personal representatives or any person who in the opinion of the Judge Advocate General ought to be treated for the purposes of this subsection as his personal representative shall subject to the provisions of this section be entitled to obtain from the Judge Advocate General on demand at any time within the period of twelve months from the death and on payment therefor at the prescribed rate a copy of the record of the proceedings of the court.

(4) If, on an application in pursuance of either of the two last foregoing subsections for a copy of the record of any proceedings, the Secretary of State certifies that it is requisite for reasons of security that the proceedings or any part thereof should not be disclosed, the applicant shall not be entitled to a copy of the proceedings or part to which the certificate relates.

(5) In this section the expression “the relevant period”, in relation to any person tried by court-martial, means the period of five years beginning with the date of his acquittal or, where he was convicted, of the promulgation of the findings and sentence or, where a finding of guilty was not confirmed, of the promulgation of the withholding of confirmation :

Provided that where the proceedings relate to two or more charges and the person tried was acquitted on one or more of the charges and convicted on another or others, the relevant period shall be the period of five years beginning with the date of the promulgation of the finding or findings of guilty and the sentence thereon or of the withholding of confirmation of that finding or those findings.

(6) Any reference in this section to the record of the proceedings of a court-martial includes a reference to the record of the proceedings with respect to the confirmation or revision of the findings and sentence of the court-martial.

Indemnity  
for prison  
officers, etc.

**142.** No action shall lie in respect of anything done by any person in pursuance of a military sentence of imprisonment or detention if the doing thereof would have been lawful but for a defect in any warrant or other instrument made for the purposes of that sentence.

*Interpretation*

## PART II

—cont.

Interpretation  
of Part II.

143.—(1) In this Part of this Act:—

“civil prison” means a prison in the United Kingdom in which a person sentenced by a civil court to imprisonment can for the time being be confined ;

“convening officer”, in relation to a court-martial, means the officer convening that court-martial and includes his successor or any person for the time being exercising his or his successor’s functions ;

“military establishment” means a military prison or any other establishment under the control of the Secretary of State where persons may be required to serve military sentences of imprisonment or detention ;

“military prison” means separate premises under the control of the Secretary of State and primarily allocated for persons serving military sentences of imprisonment ;

references to a military sentence of imprisonment are references to a sentence of imprisonment passed by a court-martial ;

references to a military sentence of detention are references to a sentence of detention passed by a court-martial or awarded by the offender’s commanding officer ;

“prescribed” means prescribed by Rules of Procedure.

(2) References in this Part of this Act to warrant officers do not include references to acting warrant officers.

(3) References in this Part of this Act to non-commissioned officers include references to acting non-commissioned officers and also to acting warrant officers.

## PART III

FORFEITURES AND DEDUCTIONS AND ENFORCEMENT OF  
MAINTENANCE LIABILITIES

144.—(1) No forfeiture of the pay of an officer, warrant officer, non-commissioned officer or soldier of the regular forces shall be imposed unless authorised by this or some other Act, and no deduction from such pay shall be made unless so authorised or authorised by Royal Warrant.

Forfeitures and  
deductions:  
general  
provisions.

(2) A Royal Warrant shall not authorise the making of any penal deduction, that is to say a deduction to be made by reason of the commission of any offence or other wrongful act or in consequence of any negligence.

(3) The foregoing provisions of this section shall not prevent the making, by Royal Warrant or by any regulation, order or instruction of the Army Council, of provision for the imposition of any forfeiture authorised by Act or the making of any deduction so authorised, or for the time at which and manner in which sums may be deducted from pay to give effect to authorised deductions or in which amounts may be so deducted in order to recover

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**PART III**  
—*cont.*

any fine imposed in pursuance of this Act, or as to the appropriation of any such sum or amount when deducted, or of provision for the determination of questions relating to forfeitures or deductions.

(4) Subsection (2) of this section shall not prevent the making by Royal Warrant of provision for the deduction from a person's pay as an officer, warrant officer, non-commissioned officer or soldier of the regular forces of any sum which has become recoverable from him (whether by deduction from pay or otherwise) under the enactments relating to any of the reserve or auxiliary forces.

(5) Notwithstanding any deduction from the pay of an officer, warrant officer, non-commissioned officer or soldier of the regular forces he shall (subject to any forfeiture) remain in receipt of pay at not less than such minimum rate as may be prescribed by order of the Army Council.

(6) Notwithstanding that forfeiture of a person's pay for any period has been ordered in pursuance of this Act, he may remain in receipt of pay at such minimum rate as aforesaid; but the amount received for that period may be recovered from him by deduction from pay.

(7) Any amount authorised to be deducted from the pay of an officer, warrant officer, non-commissioned officer or soldier of the regular forces may be deducted from any balance (whether or not representing pay) which may be due to him, and references in this Act to the making of deductions from pay shall be construed accordingly.

**Forfeiture of  
pay for  
absence from  
duty.**

**145.**—(1) The pay of an officer, warrant officer, non-commissioned officer or soldier of the regular forces may be forfeited:—

- (a) for any day of absence in such circumstances as to constitute an offence under section thirty-seven or thirty-eight of this Act or, if the Army Council or an officer authorised by them so direct, of other absence without leave;
- (b) for any day of imprisonment, detention or field punishment awarded under this Act, the Naval Discipline Act or the Air Force Act, 1955, by a court-martial or commanding officer, or of imprisonment, corrective training, preventive detention, detention in a Borstal institution or detention of any other description to which he is liable in consequence of an order or sentence of a civil court or an order of recall made by the Prison Commissioners, the Secretary of State or the Ministry of Home Affairs for Northern Ireland;
- (c) where he is found guilty (whether by court-martial, the appropriate superior authority or his commanding



officer) of an offence under this Act, the Naval Discipline Act or the Air Force Act, 1955, for any day (whether before or after he is found guilty) on which he is in hospital on account of sickness or injury certified by the proper medical officer to have been occasioned by the offence.

(2) The pay of an officer, warrant officer, non-commissioned officer or soldier of the regular forces may be forfeited for any day of absence by reason of his having been made a prisoner of war if the Army Council or an officer authorised by them are satisfied—

- (a) that he was made a prisoner of war through disobedience to orders or wilful neglect of his duty ; or
- (b) that having been made a prisoner of war he failed to take any reasonable steps available to him to rejoin Her Majesty's service ; or
- (c) that having been made a prisoner of war he served with or aided the enemy in the prosecution of hostilities or measures calculated to influence morale or in any other manner whatsoever not authorised by international usage,

and nothing in paragraph (a) of the last foregoing subsection shall apply to absence by reason of having been made a prisoner of war.

(3) Regulations or orders of the Army Council may make provision as to the computation of time for the purposes of this section and in particular as to the counting or disregarding of parts of days.

**146.** Where an officer, warrant officer, non-commissioned officer or soldier of the regular forces charged with an offence before a civil court (whether within or without Her Majesty's dominions) is sentenced or ordered by the court to pay any fine, penalty, damages, compensation or costs, and the whole or part thereof is met by a payment made by or on behalf of any military authority, the amount of the payment may be deducted from his pay. Deductions for payment of civil penalties.

**147.**—(1) Without prejudice to the provisions of this Act as to the imposition of stoppages as a punishment, the following provisions shall have effect where, after such investigation as may be prescribed by regulations of the Army Council, it appears to the Army Council or an officer authorised by them that any loss of, or damage to, public or service property has been occasioned by any wrongful act or negligence of an officer, warrant officer, non-commissioned officer or soldier of the regular forces (hereinafter referred to as "the person responsible"). Compensation for loss occasioned by wrongful act or negligence.

(2) The Army Council or authorised officer, as the case may be, may order the person responsible to pay, as or towards compensation for the loss or damage, such sum as may be specified

**PART III**  
—*cont.*

in the order; and any such sum, in so far as not otherwise paid by the person responsible, may be deducted from his pay.

(3) No order shall be made under the last foregoing subsection if, in proceedings (whether under this Act, the Naval Discipline Act or the Air Force Act, 1955) before a court-martial, the appropriate superior authority or the commanding officer of the person responsible, that person—

- (a) has been acquitted in circumstances involving a finding that he was not guilty of the wrongful act or negligence in question, or
- (b) has been awarded stoppages in respect of the same loss or damage;

but save as aforesaid, the fact that any such proceedings have been brought in respect of the wrongful act or negligence in question shall not prevent the making of an order or deductions under the last foregoing subsection.

**Deductions for  
barrack  
damage.**

**148.**—(1) Where damage occurs to any premises in which one or more units of the regular forces or parts of such units are quartered or billeted, or any fixtures, furniture or effects in or belonging to such premises are damaged or lost, then if it appears, on investigation in accordance with the provisions of Queen's Regulations, that the damage or loss was occasioned by the wrongful act or negligence of persons belonging to any of the units or parts of units in occupation of the premises and was so occasioned at a time when they were in occupation thereof, but that the said persons cannot be identified, any person belonging to any of the said units or parts of units may be required to contribute towards compensation for the damage or loss such amount as may in accordance with Queen's Regulations be determined to be just, and the amount may be deducted from his pay.

(2) The last foregoing subsection shall extend to ships, trains and aircraft in which units or parts of units of the regular forces are being transported, and references to premises, quartering and occupation shall be construed accordingly.

**Remission of  
forfeitures and  
deductions.**

**149.** Any forfeiture or deduction imposed under the four last foregoing sections or under Royal Warrant may be remitted by the Army Council or in such manner and by such authority as may be provided by Royal Warrant.

**Enforcement  
of maintenance  
and affiliation  
orders by  
deduction from  
pay.**

**150.**—(1) Where any court in the United Kingdom has made an order against any person (hereinafter referred to as "the defendant") for the payment of any periodical or other sum specified in the order for or in respect of—

- (a) the maintenance of his wife or child or of any illegitimate child of whom he is the putative father; or
- (b) any costs incurred in obtaining the order; or
- (c) any costs incurred in proceedings on appeal against, or

for the variation, revocation or revival of, any such order,

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—cont.

and the defendant is an officer, warrant officer, non-commissioned officer or soldier of the regular forces, then (whether or not he was a member of those forces when the said order was made) the Army Council or an officer authorised by them may order such sum to be deducted from the pay of the defendant and appropriated in or towards satisfaction of the payment due under the order of the court as the Army Council or officer think fit.

(2) Where to the knowledge of the court making any such order as aforesaid, or an order varying, revoking or reviving any such order, the defendant is an officer, warrant officer, non-commissioned officer or soldier of the regular forces the court shall send a copy of the order to the Army Council or an officer authorised by them.

(3) Where such an order as is mentioned in subsection (1) of this section has been made by a court in Her Majesty's dominions outside the United Kingdom, and the Army Council or an officer authorised by them are satisfied that the defendant has had a reasonable opportunity of appearing in person, or has appeared by a duly authorised legal representative, to defend the case before the court by which the order was made, the Army Council or officer shall have the like power under subsection (1) of this section as if the order had been made by such a court as is mentioned in that subsection:

Provided that this subsection shall not apply to an order for payment of a sum for or in respect of the maintenance of an illegitimate child or for the payment of costs incurred in obtaining such an order or in proceedings on appeal against, or for the variation, revocation or revival of, such an order.

(4) The Army Council or an officer authorised by them may by order vary or revoke any order previously made under this section, and may treat any order made under this section as being in suspense at any time while the person against whom the order was made is absent as mentioned in paragraph (a) of subsection (1) of section one hundred and forty-five of this Act.

(5) In this section—

references to an order made by a court in the United Kingdom include references to an order registered in or confirmed by such a court under the provisions of the Maintenance Orders (Facilities for Enforcement) Act, 1920;

references to a wife or child include, in relation to an order made in proceedings in connection with the dissolution or annulment of a marriage, references to a person who would have been the wife or child of the defendant if the marriage had subsisted;

references to a sum ordered to be paid for or in respect of the maintenance of an illegitimate child include references

**PART III**  
—*cont.*

to any sum ordered to be paid by an order under section four of the Bastardy Laws Amendment Act, 1872.

Deductions from pay for maintenance of wife or child.

**151.**—(1) Where the Army Council or an officer authorised by them are satisfied that an officer, warrant officer, non-commissioned officer or soldier of the regular forces is neglecting, without reasonable cause, to maintain his wife or any child of his under the age of sixteen the Army Council or officer may order such sum to be deducted from his pay and appropriated towards the maintenance of his wife or child as the Army Council or officer think fit.

(2) On an application made to the Army Council or an officer authorised by them for an order under the last foregoing subsection the Army Council or officer, if satisfied that a *prima facie* case has been made out for the making of such an order, may make an interim order for such deduction and appropriation as is mentioned in the last foregoing subsection to take effect pending the further examination of the case.

(3) Where an order is in force under subsection (1) or subsection (3) of the last foregoing section for the making of deductions in favour of any person from the pay of an officer, warrant officer, non-commissioned officer or soldier of the regular forces, no deductions from his pay in favour of the same person shall be ordered under the foregoing provisions of this section unless the officer, warrant officer, non-commissioned officer or soldier is in a place where process cannot be served on him in connection with proceedings for the variation of the order of the court in consequence of which the order under the last foregoing section was made.

(4) The Army Council or an officer authorised by them may by order vary or revoke any order previously made under this section, and may treat any order made under this section as being in suspense at any time while the person against whom the order was made is absent as mentioned in paragraph (a) of subsection (1) of section one hundred and forty-five of this Act.

(5) The power to make an order under this section for the deduction of any sum and its appropriation towards the maintenance of a child shall include power—

(a) subject to the provisions of subsection (3) of this section, to make such an order after the child has attained the age of sixteen, if an order in favour of the child is in force under subsection (1) or subsection (3) of the last foregoing section ; or

(b) to make such an order after the child has attained the age of sixteen if—

(i) such an order of the court as is mentioned in subsection (1) of the last foregoing section was in force in favour of the child at the time when the child attained that age, and

(ii) the person from whose pay the deductions are ordered is in such a place as is mentioned in subsection (3) of this section, and

(iii) the child is for the time being engaged in a course of education or training ; or

(c) to continue such an order from time to time after the child has attained the age of sixteen, if the child is for the time being engaged in a course of education or training ;

but no order so made or continued shall remain in force after the child attains the age of twenty-one or shall, unless continued under paragraph (c) of this subsection, remain in force for more than two years.

**152.**—(1) The sums deducted under the two last foregoing sections shall not together exceed—

(a) in the case of an officer, three-sevenths of his pay ;

(b) in the case of a warrant officer or non-commissioned officer not below the rank of sergeant, two-thirds of his pay ;

(c) in the case of a soldier or non-commissioned officer below the rank of sergeant, three-fourths of his pay.

Limit of deductions under ss. 150 and 151 and effect on forfeiture.

(2) Where any deductions have been ordered under either of the two last foregoing sections from a person's pay and (whether before or after the deductions have been ordered) he incurs a forfeiture of pay by or in consequence of the finding or sentence of a court-martial or the finding or award of the appropriate superior authority or his commanding officer, it shall apply only to so much of his pay as remains after the deductions have been made.

(3) For the purposes of paragraphs (b) and (c) of subsection (1) of this section a person having acting rank shall be treated as of that rank.

**153.**—(1) Any process to be served on an officer, warrant officer, non-commissioned officer or soldier of the regular forces (hereinafter referred to as " the defendant ") in connection with proceedings for any such order of a court in the United Kingdom as is mentioned in subsection (1) of section one hundred and fifty of this Act, or for the variation, revocation or revival of such an order, shall be deemed to be duly served on him if served either on him or his commanding officer, and may, without prejudice to any other method of service, be so served by registered post.

Service of process in maintenance proceedings.

(2) Where any such process appoints a hearing at a place more than twenty miles from the place where the defendant is then stationed and his appearance in person will be required at

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the hearing, the service of the process shall not be valid unless there is left with it, in the hands of the person on whom it is served, a sum of money sufficient to enable the defendant to attend the hearing and return.

(3) Where any such process as is mentioned in subsection (1) of this section is served in the United Kingdom and the defendant will be required to appear in person at the hearing, then if his commanding officer certifies to the court by which the process was issued that the defendant is under orders for active service out of the United Kingdom and that in the commanding officer's opinion it would not be possible for the defendant to attend the hearing and return in time to embark for that service, the service of the process shall be deemed not to have been effected.

**PART IV**

**BILLETING AND REQUISITIONING OF VEHICLES**

*Billeting*

**Billeting  
requisitions.**

**154.** At any time when this section is in operation any general or field officer commanding any part of the regular forces in the United Kingdom may issue a billeting requisition requiring the chief officer of police for any area in the United Kingdom specified in the requisition to provide billets at such places in that area, for such numbers of members of Her Majesty's forces and, if the requisition so provides, for such number of vehicles in use for the purpose of Her Majesty's forces, being vehicles of any class specified in the requisition, as may be so specified.

**Premises in  
which billets  
may be  
provided.**

**155.—**(1) Billets, other than for vehicles, may be provided in pursuance of a billeting requisition—

- (a) in any inn or hotel (whether licensed or not) or in any other premises occupied for the purposes of a business consisting of or including the provision of sleeping accommodation for reward ;
- (b) in any building not falling within the last foregoing paragraph, being a building to which the public habitually have access, whether on payment or otherwise, or which is wholly or partly provided or maintained out of rates ;
- (c) in any dwelling, outhouse, warehouse, barn or stables ;

but not in any other premises.

(2) Billets for vehicles may be provided as aforesaid in any building or on any land.

**Provision  
of billets.**

**156.—**(1) Where a billeting requisition has been produced to the chief officer of police for the area specified in the requisition he shall, on the demand of the officer commanding any portion of the regular forces, or on the demand of an officer or soldier

authorised in writing by such an officer commanding, billet on the occupiers of premises falling within the last foregoing section, being premises at such place in that area as may be specified by the officer or soldier by whom the demand is made, such number of persons or vehicles as may be required by the officer or soldier by whom the demand is made, not exceeding the number specified in the requisition.

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(2) Without prejudice to the provisions of the next following section, a chief officer of police shall exercise his functions under this section in such manner as in his opinion will cause least hardship to persons on whom billeting may take place.

(3) A chief officer of police may to such extent and subject to such restrictions as he thinks proper authorise any constable, or constables of any class, to exercise his said functions on his behalf, and the foregoing provisions of this section shall apply accordingly.

**157.**—(1) A local authority may make a scheme for the provision of billets in their area in pursuance of billeting requisitions; and where such a scheme is in force the chief officer of police shall so far as the scheme extends exercise his functions under the last foregoing section in accordance with the scheme. Billeting schemes.

(2) Any scheme under this section may be revoked by the local authority by whom it was made, or may be varied by that authority by a subsequent scheme under this section.

(3) Where a local authority make a scheme under this section they shall furnish the chief officer of police for the area to which the scheme relates with a copy of the scheme.

(4) A scheme under this section shall not come into force until approved by the Minister of Housing and Local Government; and that Minister may require the local authority to revoke any scheme in force under this section and in substitution therefor to submit for his approval a further scheme under this section.

**158.**—(1) Where persons are billeted in pursuance of a billeting requisition, the occupier of the premises on which they are billeted shall furnish such accommodation (including meals) as the officer or soldier demanding the billets may require, not exceeding such accommodation as may be prescribed by regulations of the Army Council made with the consent of the Treasury. Accommodation to be provided and payment therefor.

(2) Where vehicles are billeted as aforesaid, the occupier of the premises shall furnish standing room for the vehicles.

(3) Where persons or vehicles have been billeted in pursuance of a billeting requisition they may continue to be billeted, so long as section one hundred and fifty-four of this Act

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continues in operation, for such period as may be required, and the allotment of billets among the persons or vehicles in question may be varied from time to time.

(4) The occupier on whose premises any person or vehicle is billeted as aforesaid shall be entitled to receive for the billeting such payment as may be prescribed by regulations of the Army Council made with the consent of the Treasury :

Provided that no payment shall be required in respect of vehicles billeted otherwise than in a building unless the land on which they are billeted—

- (a) has its surface made up for the passage or parking of vehicles, and
- (b) is not land where vehicles are normally allowed to stand free of charge irrespective of the person by whom they are owned or driven.

(5) Subject to the provisions of the next following subsection payment for billeting—

- (a) shall be made before the persons billeted finally leave, or the vehicles are finally removed from, the premises where they are billeted ; and
- (b) where the billeting continues for more than seven days, shall be made at least once in every seven days.

(6) If for any reason payment for billeting cannot be made, or fully made, as required by paragraph (a) of the last foregoing subsection, there shall be made up with the occupier an account, in such form as may be prescribed by the Army Council, of the amount due to him ; and—

- (a) on presentation of the account the local authority for the area in which the premises are situated shall pay to the occupier the amount stated in the account to be due,
- (b) any sums paid by a local authority under the last foregoing paragraph shall be recoverable by them from the Army Council.

(7) In relation to premises of which there is no occupier the foregoing provisions of this section shall apply as if the person entitled to possession thereof were the occupier thereof.

**Appeals  
against  
billeting.**

**159.**—(1) Any person who—

- (a) is aggrieved by having an undue number of persons billeted upon him in pursuance of a billeting requisition, or



(b) claims that by reason of special circumstances he should be exempted from having persons so billeted on him, either generally or on a particular occasion,

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may apply to a person or persons appointed on behalf of the local authority in accordance with arrangements made by the Minister of Housing and Local Government.

(2) On any application on the grounds mentioned in paragraph (a) of the last foregoing subsection the person or persons to whom the application is made may direct the billeting elsewhere of such number of the persons billeted as may seem just or may dismiss the application.

(3) On any application on the grounds mentioned in paragraph (b) of subsection (1) of this section the person or persons to whom the application is made may grant such exemption as may seem just or may dismiss the application.

(4) An application under this section shall not affect billeting pending the determination of the application.

**160.**—(1) Where any damage is caused to any premises by the billeting of persons or vehicles in pursuance of a requisition, the occupier of the premises, or if there is no occupier the person entitled to possession thereof, may recover from the Army Council compensation of an amount equal to the depreciation caused by the damage in the value of the premises. Compensation for damage.

(2) Where any person other than the recipient of compensation under the last foregoing subsection has any interest in the premises, being an interest the value of which is depreciated by the damage, he shall be entitled to recover from the recipient such part of the compensation as may be just.

(3) A county court shall have jurisdiction to deal with any claim arising under subsection (1) or (2) of this section irrespective of the amount of the claim.

**161.** Any person who—

Refusal to receive persons billeted, etc.

(a) refuses to receive any person billeted upon him in pursuance of a billeting requisition or without reasonable excuse fails to furnish him with the accommodation properly required for him, or

(b) gives or agrees to give to any person billeted upon him in pursuance of a billeting requisition any money or reward in lieu of receiving any person or vehicle or of furnishing accommodation properly required for him, or

(c) obstructs the billeting in his building or on his land of any vehicle,

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—*cont.*

shall be liable on summary conviction to a fine not exceeding fifty pounds, or to imprisonment for a term not exceeding three months, or to both such a fine and such imprisonment.

**Application to civilians employed with the forces.**

162. In relation to persons employed with any body of the regular forces and not entitled under the foregoing provisions of this Part of this Act to be billeted, being persons of such descriptions as may be prescribed by regulations of the Army Council, those provisions shall apply as they apply in relation to members of Her Majesty's forces.

**Local authority.**

163. For the purposes of this Part of this Act the local authority shall be the council of a county borough, county district or metropolitan borough or the Common Council of the City of London.

**Suspension of laws against billeting.**

164. While section one hundred and fifty-four of this Act is in operation, so much of any law as prohibits, restricts or regulates quartering or billeting on any inhabitant of the United Kingdom shall not apply to such billeting in pursuance of a billeting requisition.

*Requisitioning of vehicles*

**Requisitioning orders.**

165.—(1) At any time when this section is in operation any general or field officer commanding any part of the regular forces in the United Kingdom may issue a requisitioning order authorising the requisitioning, from among vehicles in any area in the United Kingdom specified in the order, of such vehicles, or such number of vehicles of such description, as may be specified in the order.

(2) The purposes for which an order under this section may authorise vehicles to be requisitioned shall be such purposes for meeting the needs of any of Her Majesty's forces as may be specified in the order.

**Provision of vehicles.**

166.—(1) A requisitioning order may be issued to the officer commanding any portion of the regular forces, and that officer, or any officer or soldier authorised by him in writing, may give directions for the provision—

(a) in so far as the requisitioning order authorises the requisitioning of particular vehicles, of all or any of those vehicles,

(b) in so far as the order authorises the requisitioning of vehicles of a specified description, of the number of vehicles of that description specified in the order or any lesser number of such vehicles.

(2) A direction under the last foregoing subsection given as respects any vehicle shall be either—

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—cont.

- (a) a direction given to the person having possession thereof to furnish it immediately at the place where it is, or
- (b) a direction given to the said person to furnish it at such place within one hundred miles from the premises of the said person and at such time as may be specified by the officer or soldier by whom the direction is given :

Provided that no direction shall be given under paragraph (b) of this subsection as respects a vehicle which is neither mechanically propelled nor a trailer normally drawn by a mechanically-propelled vehicle.

(3) If the officer to whom the requisitioning order was issued, or any officer or soldier authorised by him in writing, is satisfied that the said person has refused or neglected to furnish a vehicle in accordance with a direction under any of the provisions of the last foregoing subsection, or has reasonable ground for believing that it is not practicable without undue delay to give a direction to the said person, he may take, or authorise any officer or soldier to take, possession of the vehicle ; and where possession is taken of a vehicle in pursuance of this subsection this Part of this Act shall with the necessary modifications apply as if the vehicle had been furnished by the person having possession of the vehicle in accordance with a direction to furnish it immediately at the place where it is, and, in particular, payment shall be made therefor as if it had been so furnished.

(4) The chief officer of police for any area specified in a requisitioning order shall, on a request to that effect made by or on behalf of the officer to whom the order is issued, give instructions for securing that so far as practicable constables will be available, if required, for accompanying officers or soldiers requisitioning vehicles in pursuance of the order.

167.—(1) Subject to the provisions of this section, where a vehicle has been furnished in pursuance of a requisitioning order it may be retained, so long as section one hundred and sixty-five of this Act is in operation, for any period for which it is required for the purpose specified in the order or for any other purpose connected with the needs of any of Her Majesty's forces. Period for which vehicles to be furnished.

(2) While men of the army reserve are called out on permanent service, then in so far as a requisitioning order so provides the person by whom any vehicle is to be furnished may be required to furnish it for the purpose of its being purchased on behalf of the Crown.

**PART IV**  
 —cont.  
**Payment**  
**for vehicles**  
**furnished.**

**168.—(1)** The person by whom a vehicle is furnished in pursuance of a requisitioning order, and is so furnished otherwise than for the purpose of being purchased, shall be entitled to be paid—

- (a) a sum for the use of the vehicle calculated, by reference to the period for which possession of the vehicle is retained, at the rate of payment commonly recognised or generally prevailing in the district at the time at which the vehicle is furnished, or, in default of such a rate, at such rate as may be just,
- (b) a sum equal to the cost of making good any damage to the vehicle, not being damage resulting in a total loss thereof or damage attributable to fair wear and tear, which may have occurred during the period for which possession of the vehicle is retained and which has not been made good during that period by a person acting on behalf of Her Majesty,
- (c) if, during the said period, a total loss of the vehicle occurs, a sum equal to the value of the vehicle immediately before the occurrence of the damage which caused the loss.

In paragraph (b) of this subsection and in the Fourth Schedule to this Act references to fair wear and tear shall be construed as references to such fair wear and tear as might have been expected to occur but for the fact that the vehicle was requisitioned.

(2) The person by whom a vehicle is furnished in pursuance of a requisitioning order for the purpose of being purchased shall be entitled to be paid the value of the vehicle at the time at which it is furnished.

(3) Where a vehicle is furnished in pursuance of a direction under paragraph (b) of subsection (2) of section one hundred and sixty-six of this Act, then—

- (a) for the purposes of paragraphs (a) and (b) of subsection (1) of this section (if that subsection applies) the period for which possession of the vehicle is retained shall be deemed to begin at the time when the direction is given, and for the purposes of subsection (2) of this section (if that subsection applies) the vehicle shall be deemed to have been furnished at that time ;
- (b) in addition to the payments provided for by subsection (1) or (2) of this section, the person by whom the vehicle is furnished shall be entitled to be paid the amount of any expenditure reasonably incurred by him in complying with the direction.

(4) Where a direction to furnish a vehicle is given under the said paragraph (b), and after the giving of the direction any damage occurs to the vehicle (whether or not resulting in a total loss thereof), then if the damage prevents the furnishing of the vehicle in pursuance of the requisitioning order the foregoing provisions of this section shall apply as if the vehicle had been furnished, and (notwithstanding that it may have been required to be furnished for the purpose of being purchased) had been furnished otherwise than for that purpose, subject however to the following modifications, that is to say—

- (a) paragraphs (a), (b) and (c) of subsection (1) of this section shall have effect as if for the period therein mentioned there were substituted the period beginning with the giving of the direction and ending immediately after the occurrence of the damage,
- (b) paragraph (b) of the last foregoing subsection shall have effect as if for the words “in complying with” there were substituted the words “by reason of anything done for the purpose of complying with”.

(5) Where any person (hereinafter referred to as a person interested) other than the person by whom a vehicle is required to be furnished has an interest in the vehicle,—

- (a) the person by whom the vehicle is required to be furnished shall notify any person known to him to be a person interested that the vehicle has been requisitioned,
- (b) any person interested shall be entitled to recover from the person by whom the vehicle was required to be furnished such part (if any) of the payment received by him for the vehicle as may be just.

(6) The Fourth Schedule to this Act shall have effect as to the time for the making of payments under this section and as to the determination of disputes arising thereunder.

(7) Where, during the period for which possession of a vehicle is retained, a total loss of the vehicle occurs, then—

- (a) for the purposes of paragraphs (a) and (b) of subsection (1) of this section and of the Fourth Schedule to this Act the said period shall be deemed to have come to an end immediately after the occurrence of the loss, and
- (b) no claim shall be made for the return of the vehicle (if it still exists) or for payment in respect thereof other than such as is provided for by subsection (1) of this section.

169. In deciding which, of alternative vehicles, is to be specified in an order under section one hundred and sixty-five of this Act, or is to be the subject of a direction under paragraph (b) of subsection (1) of section one hundred and sixty-six thereof, the officer or soldier by whom the order is issued or

Avoidance of hardship in requisitioning of vehicles.

**PART IV**  
—*cont.*

**Record and inspection of mechanically-propelled vehicles.**

direction given shall act in such manner as in his opinion will cause least hardship.

**170.** The Army Council may by regulations require persons having in their possession in the United Kingdom mechanically-propelled vehicles, or trailers normally drawn by mechanically-propelled vehicles, if required so to do by such authority or person as may be specified in the regulations,—

- (a) to furnish to such authority or person as may be so specified a return containing such particulars as to the vehicles as may be required by or under the regulations, and
- (b) to afford all reasonable facilities for enabling any such vehicles in his possession to be inspected and examined, at such times as may be specified by or under the regulations, by such authority or person as may be so specified.

**Enforcement of provisions as to requisitioning.**

**171.—(1)** If any person—

- (a) fails to furnish any vehicle which he is directed to furnish in pursuance of a requisitioning order, or fails to furnish any such vehicle at the time and place at which he is directed to furnish it, or
- (b) fails to comply with any regulations of the Army Council under the last foregoing section, or
- (c) obstructs any officer or other person in the exercise of his functions under this Part of this Act in relation to the inspection or requisitioning of vehicles,

he shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds, or to imprisonment for a term not exceeding three months, or to both such a fine and such imprisonment.

(2) Without prejudice to any penalty under the last foregoing subsection, if any person is obstructed in the exercise of powers of inspection conferred on him by regulations under the last foregoing section, a justice of the peace may, if satisfied by information on oath that the person has been so obstructed, issue a search warrant authorising a constable named therein, accompanied by the said person, to enter the premises in respect of which the obstruction took place at any time between six o'clock in the morning and nine o'clock in the evening and to inspect any vehicles which may be found therein.

**Application to horses, food, forage and stores.**

**172.—(1)** Subject to the provisions of this section, the foregoing provisions of this Part of this Act and the provisions of the Fourth Schedule thereto, except such of those provisions as relate only to mechanically-propelled vehicles and trailers normally drawn thereby, shall apply to horses and mules, food, forage and stores as they apply to vehicles.

(2) Where stores are required for, and can be conveyed with, a vehicle with respect to which a direction is given under paragraph (b) of subsection (2) of section one hundred and sixty-six of this Act, such a direction may be given as well in relation to the stores as in relation to the vehicle, and the said foregoing provisions and Schedule shall apply accordingly :

PART IV  
—cont.

Provided that subsection (4) of section one hundred and sixty-eight of this Act shall not apply, but if after the giving of the direction the furnishing of the stores is prevented by damage to them or to the vehicle such payment (if any) shall be made in respect of the stores as may be just in all the circumstances.

(3) Notwithstanding anything in section one hundred and sixty-seven of this Act, food, forage or stores to be furnished in pursuance of a requisitioning order at any time may be required to be furnished for purchase on behalf of the Crown.

(4) Section one hundred and seventy of this Act shall apply in relation to horses and mules as it applies in relation to mechanically-propelled vehicles.

(5) In this section the expression "stores" means any chattel, other than a horse or mule, a vehicle, food or forage, being a chattel required for, or for use in connection with,—

(a) persons or vehicles billeted or to be billeted in pursuance of a billeting requisition or otherwise temporarily accommodated or to be so accommodated, or

(b) vehicles, horses or mules furnished or to be furnished in pursuance of a requisitioning order.

173. The person using a vehicle for the purpose of its being furnished in pursuance of a direction under paragraph (b) of subsection (2) of section one hundred and sixty-six of this Act shall be deemed, as respects any claim in respect of injury or damage to any other person or property, to be so using the vehicle as a servant of the Crown, and section thirty-five of the Road Traffic Act, 1930 (which relates to insurance against third-party risks) shall not apply to the use of a vehicle for the said purpose.

Liability of Crown for damage by vehicles being delivered for requisitioning.

#### General

174.—(1) Whenever it appears to the Secretary of State that the public interest so requires, he may by order direct that section one hundred and fifty-four or one hundred and sixty-five of this Act, or both those sections, shall come into operation either generally or as respects such area in the United Kingdom as may be specified in the order; and that section or those sections, as the case may be, shall thereupon come into operation and remain in operation so long as the order has effect.

Bringing into operation of ss. 154 and 165.

PART IV  
—cont.

(2) As soon as may be after either of the said sections has been brought into operation on any occasion, the Secretary of State shall report that fact to Parliament.

(3) An order under this section shall, subject to any revocation or variation thereof, continue to have effect for the period of one month from the making thereof:

Provided that where, before the expiration of the period for which the order has effect (whether by virtue of the foregoing provisions of this subsection or of this proviso), it is resolved by each House of Parliament that the public interest requires that the operation of the order should be extended for such further period as may be specified in the resolution, it shall be extended accordingly.

Regulations  
and orders.

**175.**—(1) Any power to make regulations conferred by this Part of this Act shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(2) The power to make orders conferred on the Secretary of State by the last foregoing section shall be exercisable by statutory instrument.

Interpretation  
of Part IV.

**176.** References in this Part of this Act to soldiers shall include references to warrant officers and to non-commissioned officers.

## PART V

## GENERAL PROVISIONS

*Powers of command*Powers of  
command.

**177.**—(1) It is hereby declared for the avoidance of doubt that Her Majesty may make regulations as to the persons, being members of Her Majesty's forces, in whom command over Her Majesty's military forces, or any part or member thereof, is to be vested and as to the circumstances in which such command as aforesaid is to be exercised.

(2) In relation to members of Her Majesty's military forces when in aircraft, the last foregoing subsection shall have effect as if references to members of Her Majesty's forces included references to any person in command of an aircraft.

(3) Nothing in this section shall affect any power vested in Her Majesty apart from this section.

Powers of  
command of  
members of  
co-operating  
naval or  
air forces.

**178.** In so far as powers of command depend on rank, a member of any of Her Majesty's naval or air forces who—

(a) is acting with, or

(b) is a member of a body of any of those forces which is acting with,



any body of the regular forces shall have the like such powers as a member of the regular forces of corresponding rank ; and for the purposes of sections thirty-three and seventy-four of this Act any such member of the said naval or air forces shall be treated as if he were a member of the regular forces of corresponding rank.

PART V  
—cont.

#### *Attachment to naval or air forces*

**179.**—(1) An officer, warrant officer, non-commissioned officer or soldier of the regular forces may be attached temporarily to any of Her Majesty's naval or air forces.

Attachment of members of military forces to naval or air forces.

(2) Regulations made by the appropriate service authorities may prescribe circumstances in which officers, warrant officers, non-commissioned officers and soldiers of the regular forces shall be deemed to be attached to any of Her Majesty's naval or air forces, as the case may be, under the last foregoing subsection.

(3) In this section the expression "appropriate service authorities" means—

(a) in relation to attachment to any of Her Majesty's naval forces, the Admiralty and the Army Council,

(b) in relation to attachment to any of Her Majesty's air forces, the Army Council and the Air Council.

(4) A person shall not cease to be subject to military law by reason only of attachment in pursuance of this section.

#### *Redress of complaints*

**180.**—(1) If an officer thinks himself wronged in any matter by a superior officer or authority and on application to his commanding officer does not obtain the redress to which he thinks he is entitled, he may make a complaint with respect to that matter to the Army Council.

Complaints by officers.

(2) On receiving any such complaint it shall be the duty of the Army Council to investigate the complaint and to grant any redress which appears to them to be necessary or, if the complainant so requires, the Army Council shall through the Secretary of State make their report on the complaint to Her Majesty in order to receive the directions of Her Majesty thereon.

**181.**—(1) If a warrant officer, non-commissioned officer or soldier thinks himself wronged in any matter by any officer other than his commanding officer or by any warrant officer, non-commissioned officer or soldier, he may make a complaint with respect to that matter to his commanding officer.

Complaints by warrant officers, non-commissioned officers and soldiers.

PART V  
—cont.

(2) If a warrant officer, non-commissioned officer or soldier thinks himself wronged in any matter by his commanding officer, either by reason of redress not being given to his satisfaction on a complaint under the last foregoing subsection or for any other reason, he may make a complaint with respect thereto to any military, naval or air-force officer under whom the complainant is for the time being serving, being an officer not below the rank of brigadier or corresponding rank.

(3) It shall be the duty of a commanding or other officer to have any complaint received by him under this section investigated and to take any steps for redressing the matter complained of which appear to him to be necessary.

*Exemptions for members of regular forces*

Officers on active list not to be sheriffs.

**182.** An officer of the regular forces on the active list (as defined by Royal Warrant) shall not be capable of being nominated or elected to be sheriff of any county, borough, or other place.

Exemption from jury service.

**183.** A warrant officer, non-commissioned officer or soldier of the regular forces shall be exempt from serving on any jury.

Exemptions from tolls, etc.

**184.**—(1) Duties or tolls for embarking from or disembarking on any pier, wharf, quay or landing place in the United Kingdom or any colony, or for passing over any road or bridge in the United Kingdom or any colony, shall not be payable in respect of—

- (a) members of the regular forces on duty ;
- (b) vehicles in military service, being vehicles belonging to the Crown or other vehicles driven by persons (whether members of Her Majesty's forces or not) in the service of the Crown ;
- (c) goods carried in such vehicles ;
- (d) horses or other animals in military service.

(2) In the last foregoing subsection the expression “ in military service ” means employed under proper military authority for the purposes of any body of the regular forces or accompanying any body of the regular forces.

(3) Members of the regular forces on duty when using ferries in Scotland shall be entitled to be carried at half rate.

Exemption from taking in execution of property used for military purposes.

**185.** No judgment or order given or made against a member of any of Her Majesty's military forces by any court in the United Kingdom or a colony shall be enforced by the levying of execution on any property of the person against whom it is given or made, being arms, ammunition, equipment, instruments or clothing used by him for military purposes.

*Provisions relating to deserters and absentees without leave*

PART V  
—cont.

**186.**—(1) A constable may arrest any person whom he has reasonable cause to suspect of being an officer, warrant officer, non-commissioned officer or soldier of the regular forces who has deserted or is absent without leave.

Arrest of deserters and absentees without leave.

(2) Where no constable is available, any officer, warrant officer, non-commissioned officer or soldier of the regular forces, or any other person, may arrest any person whom he has reasonable cause to suspect as aforesaid.

(3) Any person having authority to issue a warrant for the arrest of a person charged with crime, if satisfied by evidence on oath that there is, or is reasonably suspected of being, within his jurisdiction an officer, warrant officer, non-commissioned officer or soldier of the regular forces who has deserted or is absent without leave or is reasonably suspected of having deserted or of being absent without leave, may issue a warrant authorising his arrest.

(4) Any person in custody in pursuance of this section shall as soon as practicable be brought before a court of summary jurisdiction.

(5) This section shall have effect in the United Kingdom and in any colony.

**187.**—(1) Where a person who is brought before a court of summary jurisdiction is alleged to be an officer, warrant officer, non-commissioned officer or soldier of the regular forces who has deserted or is absent without leave, the following provisions shall have effect.

Proceedings before a civil court where persons suspected of illegal absence.

(2) If he admits that he is illegally absent from the regular forces and the court is satisfied of the truth of the admission, then—

(a) unless he is in custody for some other cause the court shall, and

(b) notwithstanding that he is in custody for some other cause, the court may,

forthwith either cause him to be delivered into military custody in such manner as the court may think fit or commit him to some prison, police station or other place provided for the confinement of persons in custody, to be kept there for such reasonable time as the court may specify (not exceeding such time as appears to the court reasonably necessary for the purpose of enabling him to be delivered into military custody) or until sooner delivered into such custody.

Any time specified by the court may be extended by the court from time to time if it appears to the court reasonably necessary so to do for the purpose aforesaid.

(3) If he does not admit that he is illegally absent as aforesaid, or the court is not satisfied of the truth of the admission, the

PART V  
—cont.

court shall consider the evidence and any statement of the accused, and if satisfied that he is subject to military law and if of opinion that there is sufficient evidence to justify his being tried under this Act for an offence of desertion or absence without leave then, unless he is in custody for some other cause, the court shall cause him to be delivered into military custody or commit him as aforesaid, but otherwise shall discharge him:

Provided that if he is in custody for some other cause the court shall have power, but shall not be required, to act in accordance with this subsection.

(4) The following provisions of the Magistrates' Courts Act, 1952, or any corresponding enactment in force as respects the court in question, that is to say the provisions relating to the constitution and procedure of courts of summary jurisdiction acting as examining justices and conferring powers of adjournment and remand on such courts so acting, and the provisions as to evidence and the issue and enforcement of summonses or warrants to secure the attendance of witnesses, shall apply to any proceedings under this section.

(5) This section shall have effect in the United Kingdom and in any colony.

Deserters and  
absentees  
without leave  
surrendering  
to police.

**188.**—(1) Where in the United Kingdom or any colony a person surrenders himself to a constable as being illegally absent from the regular forces, the constable shall (unless he surrenders himself at a police station) bring him to a police station.

(2) The officer of police in charge of a police station at which a person has surrendered himself as aforesaid, or to which a person who has so surrendered himself is brought, shall forthwith inquire into the case, and if it appears to that officer that the said person is illegally absent as aforesaid he may cause him to be delivered into military custody without bringing him before a court of summary jurisdiction or may bring him before such a court.

Certificates of  
arrest or  
surrender of  
deserters and  
absentees.

**189.**—(1) Where a court of summary jurisdiction in pursuance of section one hundred and eighty-seven of this Act deals with a person as illegally absent, then when that person is delivered into military custody there shall be handed over with him a certificate in the prescribed form, signed by a justice of the peace, containing the prescribed particulars as to his arrest or surrender and the proceedings before the court; and for any such certificate there shall be payable to the clerk of the court, by such person as the Army Council may direct, such fee (if any) as may be prescribed.

(2) Where under the last foregoing section a person is delivered into military custody without being brought before a court, there shall be handed over with him a certificate in the

prescribed form, signed by the officer of police who causes him to be delivered into military custody, containing the prescribed particulars relating to his surrender.

PART V  
—cont.

(3) In any proceedings for an offence under section thirty-seven or thirty-eight of this Act—

- (a) a document purporting to be a certificate under either of the two last foregoing subsections and to be signed as thereby required, shall be evidence of the matters stated in the document;
- (b) where the proceedings are against a person who has been taken into military, naval or air-force custody on arrest or surrender, a certificate purporting to be signed by a provost officer, or any corresponding officer of a Commonwealth force or a force raised under the law of a colony, or by any other officer in charge of the guardroom or other place where that person was confined on being taken into custody, stating the fact, date, time and place of arrest or surrender shall be evidence of the matters stated in the certificate.

(4) In this section the expression “prescribed” means prescribed by regulations made by a Secretary of State by statutory instrument.

**190.**—(1) It shall be the duty of the governor of a civil prison in the United Kingdom or of the superintendent or other person in charge of a civil prison in a colony to receive any person duly committed to that prison by a court of summary jurisdiction as illegally absent from the regular forces and to detain him until in accordance with the directions of the court he is delivered into military custody.

Duties of governors of prisons and others to receive deserters and absentees.

(2) The last foregoing subsection shall apply to the person having charge of any police station or other place (not being a prison) provided for the confinement of persons in custody, whether in the United Kingdom or in a colony, as it applies to the governor or superintendent of a prison.

*Offences relating to military matters punishable by civil courts*

**191.** Any person who in the United Kingdom or any colony falsely represents himself to any military, naval, air-force or civil authority to be a deserter from the regular forces shall be liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both such a fine and such imprisonment.

Punishment for pretending to be a deserter.

**192.**—(1) Any person who, whether within or without Her Majesty’s dominions,—

- (a) procures or persuades any officer, warrant officer, non-commissioned officer or soldier of the regular forces to desert or to absent himself without leave; or

Punishment for procuring and assisting desertion.

**PART V**  
—*cont.*

- (b) knowing that any such officer, warrant officer, non-commissioned officer or soldier is about to desert or absent himself without leave, assists him in so doing ;  
or
- (c) knowing any person to be a deserter or absentee without leave from the regular forces, conceals him or assists him in concealing himself or assists in his rescue from custody,

shall be guilty of an offence against this section.

(2) Any person guilty of an offence against this section shall be liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months, or to both such a fine and such imprisonment, or on conviction on indictment to a fine not exceeding five hundred pounds or to imprisonment for a term not exceeding two years or to both such a fine and such imprisonment.

Punishment for obstructing members of regular forces in execution of duty.

**193.** Any person who, in the United Kingdom or any colony, wilfully obstructs or otherwise interferes with any officer, warrant officer, non-commissioned officer or soldier of the regular forces acting in the execution of his duty shall be liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both such a fine and such imprisonment.

Punishment for aiding malingering.

**194.** Any person who, whether within or without Her Majesty's dominions,—

- (a) produces in an officer, warrant officer, non-commissioned officer or soldier of the regular forces any sickness or disability ; or
- (b) supplies to or for him any drug or preparation calculated or likely to render him, or lead to the belief that he is, permanently or temporarily unfit for service,

with a view to enabling him to avoid military service, whether permanently or temporarily, shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or to both such a fine and such imprisonment, or on conviction on indictment to a fine not exceeding five hundred pounds or to imprisonment for a term not exceeding two years or to both such a fine and such imprisonment.

Unlawful purchase, etc. of military stores.

**195.—**(1) Any person who, whether within or without Her Majesty's dominions, acquires any military stores or solicits or procures any person to dispose of any military stores, or acts for any person in the disposing of any military stores, shall be guilty of an offence against this section unless he proves either—

- (a) that he did not know, and could not reasonably be expected to know, that the chattels in question were military stores, or

- (b) that those chattels had (by the transaction with which he is charged or some earlier transaction) been disposed of by order or with the consent of the Army Council or of some person or authority who had, or whom he had reasonable cause to believe to have, power to give the order or consent, or
- (c) that those chattels had become the property of an officer who had retired or ceased to be an officer, or of a warrant officer, non-commissioned officer or soldier who had been discharged, or of the personal representatives of a person who had died.

(2) Any person guilty of an offence against this section shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or to both such a fine and such imprisonment, or on conviction on indictment to a fine not exceeding five hundred pounds or imprisonment for a term not exceeding two years or to both such a fine and such imprisonment.

(3) A constable may arrest without warrant any person whom he has reasonable grounds for suspecting of having committed an offence against this section, and may seize any property which he has reasonable grounds for suspecting of having been the subject of the offence.

(4) Any person having authority to issue a warrant for the arrest of a person charged with crime may, if satisfied by evidence on oath that a person within his jurisdiction has, or is reasonably suspected of having, in his possession any property which has been the subject of an offence against this section, grant a warrant to search for such property as in the case of stolen goods; and any property suspected of having been the subject of such an offence which is found on such a search shall be seized by the officer charged with the execution of the warrant, and that officer shall bring the person in whose possession or keeping the property is found before a court of summary jurisdiction.

(5) In this section—

the expression “acquire” means buy, take in exchange, take in pawn or otherwise receive (whether apart from this section the receiving is lawful or not);

the expression “dispose” means sell, give in exchange, pledge or otherwise hand over (whether apart from this section the handing over is lawful or not);

the expression “military stores” means any chattel of any description belonging to Her Majesty, which has been issued for use for military purposes or is held in store for the purpose of being so issued when required, and

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—cont.

includes any chattel which had belonged, and had been issued or held, as aforesaid at some past time.

(6) For the purposes of subsection (4) of this section property shall be deemed to be in the possession of a person if he has it under his control, and whether he has it for his own use or benefit or for the use or benefit of another.

Illegal  
dealings in  
documents  
relating to  
pay, pensions,  
mobilisation,  
etc.

**196.**—(1) Any person who—

(a) as a pledge or a security for a debt, or

(b) with a view to obtaining payment from the person entitled thereto of a debt due either to himself or to any other person,

receives, detains or has in his possession any official document issued in connection with the payment to any person of any pay, pension, allowance, gratuity or other payment payable in respect of his or any other person's military service shall be guilty of an offence against this section.

(2) Any person who has in his possession without lawful authority or excuse (the proof whereof shall lie on him) any such document as aforesaid, or any official document issued in connection with the mobilisation or demobilisation of any of Her Majesty's military forces or any member thereof, shall be guilty of an offence against this section.

(3) Any person guilty of an offence against this section shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or to both such a fine and such imprisonment.

(4) For the purposes of this section a document shall be deemed to be in the possession of a person if he has it under his control and whether he has it for his own use or benefit or for the use or benefit of another.

(5) This section shall have effect in the United Kingdom and in any colony.

Unauthorised  
use of and  
dealing in  
decorations,  
etc.

**197.**—(1) Any person who, in the United Kingdom or in any colony,—

(a) without authority uses or wears any military decoration, or any badge, wound stripe or emblem supplied or authorised by the Army Council, or

(b) uses or wears any decoration, badge, wound stripe, or emblem so nearly resembling any military decoration, or any such badge, stripe or emblem as aforesaid, as to be calculated to deceive, or

(c) falsely represents himself to be a person who is or has been entitled to use or wear any such decoration, badge, stripe or emblem as is mentioned in paragraph (a) of this subsection,



shall be guilty of an offence against this section :

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—cont.

Provided that nothing in this subsection shall prohibit the use or wearing of ordinary regimental badges or of brooches or ornaments representing them.

(2) Any person who purchases or takes in pawn any naval, military or air-force decoration awarded to any member of Her Majesty's military forces, or solicits or procures any person to sell or pledge any such decoration, or acts for any person in the sale or pledging thereof, shall be guilty of an offence against this section unless he proves that at the time of the alleged offence the person to whom the decoration was awarded was dead or had ceased to be a member of those forces.

(3) Any person guilty of an offence against this section shall be liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both such a fine and such imprisonment.

*Provisions as to evidence*

198.—(1) The following provisions shall have effect with respect to evidence in proceedings under this Act, whether before a court-martial, a civil court or otherwise. General provisions as to evidence.

(2) A document purporting to be a copy of the attestation paper signed by any person and to be certified to be a true copy by a person stated in the certificate to have the custody of the attestation paper shall be evidence of the enlistment of the person attested.

(3) The attestation paper purporting to be signed by a person on his enlistment shall be evidence of his having given the answers to questions which he is therein recorded as having given.

(4) A letter, return or other document stating that any person—

- (a) was or was not serving at any specified time or during any specified period in any part of Her Majesty's forces or was discharged from any part of those forces at or before any specified time, or
- (b) held or did not hold at any specified time any specified rank or appointment in any of those forces, or had at or before any specified time been attached, posted or transferred to any part of those forces, or at any specified time or during any specified period was or was not serving or held or did not hold any rank or appointment in any particular country or place, or
- (c) was or was not at any specified time authorised to use or wear any decoration, badge, wound stripe or emblem,

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—*cont.*

shall, if purporting to be issued by or on behalf of the Army Council, the Admiralty or the Air Council, or by a person authorised by any of them, be evidence of the matters stated in the document.

(5) A record made in any service book or other document prescribed by Queen's Regulations for the purposes of this subsection, being a record made in pursuance of any Act or of Queen's Regulations, or otherwise in pursuance of military duty, and purporting to be signed by the commanding officer or by any person whose duty it was to make the record, shall be evidence of the facts stated therein ; and a copy of a record (including the signature thereto) in one of the said service books, purporting to be certified to be a true copy by a person stated in the certificate to have the custody of the book, shall be evidence of the record.

(6) A document purporting to be issued by order of the Army Council and to contain instructions or regulations given or made by the Army Council shall be evidence of the giving of the instructions or making of the regulations and of their contents.

(7) A certificate purporting to be issued by or on behalf of the Army Council, the Admiralty or the Air Council, or by a person authorised by any of them, and stating—

- (a) that a decoration of a description specified in or annexed to the certificate is a military, naval or air-force decoration, or
- (b) that a badge, wound stripe or emblem of a description specified in or annexed to the certificate is one supplied or authorised by the Army Council,

shall be evidence of the matters stated in the certificate.

(8) A certificate purporting to be signed by a person's commanding officer or any officer authorised by him to give the certificate, and stating the contents of, or of any part of, standing orders or other routine orders of a continuing nature made for—

- (a) any formation or unit or body of troops, or
- (b) any command or other area, garrison or place, or
- (c) any ship, train or aircraft,

shall in proceedings against the said person be evidence of the matters stated in the certificate.

(9) Any document which would be evidence in any proceedings under the Air Force Act, 1955, by virtue of section one hundred and ninety-eight of that Act shall in like manner, subject to the like conditions, and for the like purpose be evidence in the like proceedings under this Act.

Proof of  
outcome of  
civil trial.

**199.**—(1) Where a person subject to military law has been tried before a civil court (whether at the time of the trial he was subject to military law or not), a certificate signed by the

clerk of the court and stating all or any of the following matters,—

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—cont.

- (a) that the said person has been tried before the court for an offence specified in the certificate,
- (b) the result of the trial,
- (c) what judgment or order was given or made by the court,
- (d) that other offences specified in the certificate were taken into consideration at the trial,

shall for the purposes of this Act be evidence of the matters stated in the certificate.

(2) The clerk of the court shall, if required by the commanding officer of the person in question or any other officer, furnish a certificate under this section and shall be paid such fee as may be prescribed by regulations made by a Secretary of State.

(3) A document purporting to be a certificate under this section and to be signed by the clerk of the court shall, unless the contrary is shown, be deemed to be such a certificate.

(4) References in this section to the clerk of the court include references to his deputy and to any other person having the custody of the records of the court.

**200.**—(1) The original proceedings of a court-martial purporting to be signed by the president of the court and being in the custody of the Judge Advocate General or of any person having the lawful custody thereof shall be admissible in evidence on production from that custody. Evidence of proceedings of court-martial.

(2) A document purporting to be a copy of the original proceedings of a court-martial or any part thereof and to be certified by the Judge Advocate General or any person authorised by him, or by any other person having the lawful custody of the proceedings, to be a true copy shall be evidence of the contents of the proceedings or the part to which the document relates, as the case may be.

(3) This section applies to evidence given in any court, whether civil or criminal and whether in the United Kingdom or in any colony.

#### *Miscellaneous Provisions*

**201.**—(1) A warrant officer or non-commissioned officer of the regular forces shall not be reduced in rank except by sentence of a court-martial (whether under this Act, the Naval Discipline Act or the Air Force Act, 1955) or by order of the Army Council, or of an officer, not below the rank of brigadier, flag officer or air commodore, authorised by the Army Council to act for the purposes of this section. Restrictions on reduction in rank of warrant officers and non-commissioned officers.

(2) An authorisation under the last foregoing subsection may be given generally or subject to such limitations as may be specified by the Army Council.

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—*cont.*

(3) For the purposes of subsection (1) of this section reduction in rank does not include reversion from acting rank.

**Temporary reception in civil custody of persons under escort.**

**202.**—(1) Where a person is in military custody when charged with, or with a view to his being charged with, an offence against Part II of this Act, it shall be the duty of the governor, superintendent or other person in charge of a prison (not being a military prison), or of the person having charge of any police station or other place in which prisoners may be lawfully detained, upon delivery to him of a written order purporting to be signed by the commanding officer of the person in custody to receive him into his custody for a period not exceeding seven days.

(2) This section shall have effect in the United Kingdom and in any colony.

**Avoidance of assignment of or charge on military pay, pensions, etc.**

**203.**—(1) Every assignment of or charge on, and every agreement to assign or charge, any pay, military award, grant, pension or allowance payable to any person in respect of his or any other person's service in Her Majesty's military forces shall be void.

(2) Save as expressly provided by this Act, no order shall be made by any court the effect of which would be to restrain any person from receiving anything which by virtue of this section he is precluded from assigning and to direct payment thereof to another person.

(3) Nothing in this section shall prejudice any enactment providing for the payment of any sum to a bankrupt's trustee in bankruptcy for distribution among creditors.

(4) This section shall have effect in the United Kingdom and in any colony.

**Power of certain officers to take affidavits and declarations.**

**204.**—(1) An officer of the regular forces of a rank not below that of major (hereinafter referred to as an "authorised officer") may, at a place outside the United Kingdom, take affidavits and declarations from any of the following persons, that is to say, persons subject to military law and persons not so subject who are of any description specified in the Fifth Schedule to this Act.

(2) A document purporting to have subscribed thereto the signature of an authorised officer in testimony of an affidavit or declaration being taken before him in pursuance of this section and containing in the jurat or attestation a statement of the date on which and the place at which the affidavit or declaration was taken and of the full name and rank of that officer shall be admitted in evidence without proof of the signature being the signature of that officer or of the facts so stated.

## PART VI

## APPLICATION OF ACT AND SUPPLEMENTAL PROVISIONS

*Persons subject to military law*

- 205.**—(1) The following persons are subject to military law:—
- Persons  
subject to  
military law:  
general  
provisions.
- (a) every officer holding a land forces commission (within the meaning of any Order of Her Majesty for the time being regulating the granting of commissions) and for the time being employed, or recalled for employment, in Her Majesty's service in any capacity in which he can be required to be employed as the holder of his commission ;
  - (b) every officer holding a land forces commission (within the meaning aforesaid) who for the time being is not employed, or not employed as mentioned in paragraph (a) of this subsection, but is liable (otherwise than in specified circumstances only) to be recalled to military service under Her Majesty ;
  - (c) every officer, not subject to military law under the foregoing provisions of this section, who being the holder of a land forces commission (within the meaning aforesaid) is employed in Her Majesty's service in employment of which it is an express condition that while employed therein he is to be subject to military law ;
  - (d) every officer, not subject to military law under the foregoing provisions of this section, who, with the approval of the Army Council given subject to an express condition that while in that employment he is to be subject to military law, is employed otherwise than in Her Majesty's service ;
  - (e) every officer holding a commission in the Territorial Army who is on the active list (as defined by the regulations for the Territorial Army) or on the permanent staff of the Territorial Army, or, being in the Territorial Army reserve, is doing duty with any body of troops for the time being subject to military law or is ordered on any duty or service for which he is liable as an officer of that reserve ;
  - (f) every warrant officer, non-commissioned officer and soldier of the regular forces ;
  - (g) every warrant officer, non-commissioned officer and man of the army reserve when called out on permanent service or in aid of the civil power or when undergoing annual or other training (whether in pursuance of an obligation or not), or when otherwise employed in Her Majesty's service as mentioned in paragraph (c) of this subsection ;

PART VI  
—cont.

- (h) every warrant officer, non-commissioned officer and man of the Territorial Army when embodied or called out for home defence service, when undergoing training or attending drills or parades (whether in pursuance of an obligation or not), or when serving on the permanent staff of the Territorial Army ;
- (i) every person in receipt of a pension in respect of service in the regular forces, or of such service and other service, who is employed in Her Majesty's service as mentioned in paragraph (c) of this subsection ;
- (j) every person not otherwise subject to military law who is serving in any force raised by order of Her Majesty outside the United Kingdom and is under the command of an officer holding a land forces commission or a commission in the Territorial Army ;
- (k) every member of the Home Guard when on duty (as defined in the Home Guard Act, 1951) or during any period (as so defined) during which the platoon or other part of the Home Guard to which he belongs is mustered (as so defined).

(2) For the purposes of paragraph (d) of the last foregoing subsection a certificate of the Army Council that approval to a person's employment was given subject to the condition mentioned in that paragraph shall be conclusive evidence of the facts stated in the certificate.

(3) References in this section to an officer holding a commission include references to a person entitled to have a commission issued to him.

Persons  
subject to  
military law:  
Common-  
wealth forces.

**206.** Members of a naval, military or air force being a Commonwealth force are subject to military law to such extent, and subject to such adaptations and modifications, as may be provided by or under any enactment relating to the attachment of members of such forces.

Persons  
subject to  
military law:  
Colonial  
forces.

**207.**—(1) Subject to the provisions of this section, where any military force is raised under the law of a colony, any such law—

- (a) may make provision in relation to that force and the officers, warrant officers, non-commissioned officers and soldiers thereof so as to have effect as well when they are outside as when they are within the limits of the colony ;
- (b) may apply in relation to the force and the officers, warrant officers, non-commissioned officers and soldiers thereof all or any of the provisions of this Act, either with or without adaptations, modifications or exceptions.

(2) Where any military force raised under the law of a colony is serving with part of the regular forces, the army reserve or the Territorial Army, then in so far as the law of the colony does not provide for the government and discipline of the force and the members thereof this Act shall apply—

(a) to the officers thereof as it applies to officers holding land forces commissions, and

(b) to the warrant officers, non-commissioned officers and soldiers thereof as it applies to warrant officers, non-commissioned officers and soldiers of the regular forces,

but subject to such adaptations, modifications or exceptions as may be specified in the general orders of the officer, whether military, naval or air-force but not below the rank of colonel or corresponding rank, commanding the forces with which the force raised in the colony is serving.

(3) While any officer, warrant officer, non-commissioned officer or soldier belonging to a force raised under the law of a colony is attached to, doing duty with, or otherwise acting as part of or with any portion of the regular forces, the army reserve or the Territorial Army in the United Kingdom, the foregoing provisions of this section shall not apply in relation to him, but he shall be subject to military law by virtue of this subsection and this Act shall apply to him as if he were a member of the regular forces.

**208.** Where a member of any of Her Majesty's naval or air forces is attached to any part of the regular forces, the army reserve or the Territorial Army, he shall while so attached be subject to military law; and the provisions of the Sixth Schedule to this Act shall have effect as respects persons subject to military law by virtue of this section.

Persons subject to military law: attached members of naval and air forces.

**209.**—(1) Subject to the modifications hereinafter specified, where any body of the regular forces is on active service, Part II of this Act shall apply to any person who is employed in the service of that body of the forces or any part or member thereof, or accompanies the said body or any part thereof, and is not subject to military law, the Naval Discipline Act, or air-force law apart from this section or any corresponding provisions of that Act or the Air Force Act, 1955, as the said Part II applies to persons subject to military law.

Application of Act to civilians.

(2) Subject to the modifications hereinafter specified, Part II of this Act shall at all times apply to a person of any description specified in the Fifth Schedule to this Act who is within the limits of the command of any officer commanding a body of the regular forces outside the United Kingdom, and is not subject to military law, the Naval Discipline Act, or air-force law apart from this section or any corresponding provisions of that Act or the Air Force Act, 1955, as the said Part II applies to persons subject to military law:

**PART VI**  
—*cont.*

Provided that none of the provisions contained in sections twenty-four to sixty-nine of this Act shall apply to a person by virtue only of this subsection except subsection (3) of section twenty-nine, sections thirty-five and thirty-six, sections fifty-five to fifty-eight, and section sixty-eight so far as it relates to that subsection and those sections.

(3) The said modifications are the following :

- (a) the punishments which may be awarded by a court-martial shall include a fine, but shall not include any other punishment less than imprisonment ;
- (b) the punishment which may be awarded where a charge is dealt with summarily shall, in the case of any offence, be a fine not exceeding ten pounds, but no other punishment ;
- (c) the following provision shall have effect in substitution for subsections (2) to (4) of section seventy-four, that is to say that a person may be arrested by a provost officer, by any warrant officer or non-commissioned officer legally exercising authority under a provost officer or on his behalf, or by order of any officer of the regular forces ;
- (d) where a charge is being dealt with summarily and it has been determined that the accused is guilty, a finding shall not be recorded until after the accused has been afforded an opportunity of electing to be tried by court-martial, and if the accused so elects a finding shall not be recorded but such steps shall be taken with a view to the charge being tried by court-martial as may be prescribed by Rules of Procedure ;
- (e) the provisions of this Act relating to the investigation of, and summary dealing with, offences shall save as otherwise expressly provided apply as they apply to officers and warrant officers ;
- (f) for the purposes of the provisions of this Act relating to the investigation of offences, the commanding officer shall be such officer as may be determined by or under regulations of the Army Council made for the purposes of this section ;
- (g) for references in sections one hundred and thirty-one and one hundred and thirty-two of this Act to being, continuing, or ceasing to be subject to military law there shall be substituted references to being, continuing to be or ceasing to be in such circumstances that the said Part II applies, and subsection (3) of the said section one hundred and thirty-one shall not apply.

(4) Any fine awarded by virtue of this section, whether by a court-martial or the appropriate superior authority, shall be recoverable, in the United Kingdom or any colony, as a debt due to Her Majesty.



*Application of Act to particular corps and forces*

**210.**—(1) The Royal Marines shall be a separate corps of the regular forces.

(2) In section two hundred and five of this Act—

(a) any reference to a land forces commission shall be construed as including a reference to a commission in the Royal Marines ;

(b) any reference to a non-commissioned officer or man of the army reserve called out on permanent service or undergoing annual or other training shall be construed as including a reference to a non-commissioned officer or marine of the Royal Marine Forces Volunteer Reserve, the Royal Fleet Reserve or the Royal Marine Emergency Reserve called into actual service or being trained or exercised.

(3) An officer, non-commissioned officer or marine of the Royal Marines, the Royal Marine Forces Volunteer Reserve, the Royal Fleet Reserve or the Royal Marine Emergency Reserve, shall continue subject to military law notwithstanding that he may for the time being be subject to the Naval Discipline Act.

(4) In relation to the Royal Marines and the officers, non-commissioned officers and marines thereof, and to officers, non-commissioned officers and marines of the Royal Marine Forces Volunteer Reserve, the Royal Fleet Reserve or the Royal Marine Emergency Reserve, this Act shall have effect subject to the modifications set out in Parts I and II of the Seventh Schedule thereto.

(5) The provisions of Part III of the Seventh Schedule to this Act shall have effect as respects transfers between the Royal Marines and other corps of the regular forces in substitution for the provisions of subsections (3) and (4) of section three of this Act.

**211.**—(1) Subject to the provisions of this section, references in Parts II to V of this Act to the regular forces shall include references to the following persons, that is to say—

(a) officers of any reserve of officers while subject to military law, and officers who have retired (within the meaning of any Royal Warrant) but are for the time being subject to military law, and

(b) officers holding commissions in the Territorial Army while the part of the Territorial Army to which they belong is embodied or while they are called out for home defence service or are undergoing training, and

(c) warrant officers, non-commissioned officers and men of the army reserve and the Territorial Army while subject to military law ;

and references to officers, warrant officers, non-commissioned

PART VI  
—cont.  
Provisions  
as to Royal  
Marines.

Application  
of Act to  
reserve and  
auxiliary  
forces.

PART VI  
—cont.

officers or soldiers, or to members or a body, of the regular forces or to illegal absence from those forces shall be construed accordingly.

(2) Subsections (1), (5) and (6) of section seventeen of this Act shall apply to warrant officers, non-commissioned officers and men of the army reserve and the Territorial Army as they apply to warrant officers, non-commissioned officers and soldiers of the regular forces.

(3) The power conferred by subsection (3) of section thirty-seven and subsection (3) of section eighty-one of this Act to direct the forfeiture of an offender's previous service shall not be exercisable in relation to warrant officers, non-commissioned officers or men of the army reserve or the Territorial Army.

(4) Paragraph (b) of subsection (2) of section thirty-seven, sections one hundred and fifty to one hundred and fifty-three of this Act and, except in so far as they may be applied by regulations made under the Army Reserve Act, 1950, or the Auxiliary Forces Act, 1953, the provisions of Part II of this Act relating to the award of stoppages and the provisions of sections one hundred and forty-four to one hundred and forty-nine of this Act, shall not apply—

- (a) to officers of any reserve of officers who are not in actual service,
- (b) to warrant officers, non-commissioned officers or men of the army reserve except when called out on permanent service, or
- (c) to officers, warrant officers, non-commissioned officers or men of the Territorial Army except when the part of the Territorial Army to which they belong is embodied or they are called out for home defence service.

(5) In the last foregoing subsection the expression "actual service", in relation to an officer of any reserve of officers, means that he is serving (otherwise than when undergoing training) with a body of the regular forces, or of the army reserve when called out on permanent service, or with a part of the Territorial Army which is embodied or called out for home defence service.

(6) The provisions of sections one hundred and eighty-two and one hundred and eighty-three of this Act shall not apply at any time to officers holding commissions in the Territorial Army or to warrant officers, non-commissioned officers or men of the Territorial Army; and the provisions of the said section one hundred and eighty-three shall not apply to a warrant officer, non-commissioned officer or man of the army reserve except when he is called out on permanent service.

(7) In the case of a non-commissioned officer or man of the Territorial Army found guilty of an offence by a court-martial or his commanding officer, Part II of this Act shall apply as if in the scale set out in subsection (2) of section seventy-two of

this Act immediately before paragraph (f) thereof there were inserted the following paragraph—

PART VI  
—cont.

“(eee) dismissal from the Territorial Army”,  
and as if the punishments specified in subsection (3) of section seventy-eight of this Act included dismissal from the Territorial Army:

Provided that if the commanding officer awards such dismissal he shall not award any other punishment.

(8) An officer of any reserve of officers, an officer holding a commission in the Territorial Army, or a warrant officer, non-commissioned officer or man of the army reserve or the Territorial Army may be attached temporarily to any of Her Majesty's naval or air forces whether or not he is subject to military law, but if not subject thereto shall not be so attached except with his consent.

212.—(1) Subject to the provisions of this section references in Parts II to V of this Act to the regular forces shall include references to members of the Home Guard while subject to military law. Provisions as to Home Guard.

(2) A person shall not be charged with an offence against section seventy of this Act if he is subject to military law by reason only of being a member of the Home Guard.

(3) The provisions of Part II of this Act relating to the award of stoppages, of Part III of this Act, and of sections one hundred and eighty-two and one hundred and eighty-three of this Act shall not apply to members of the Home Guard at any time.

(4) Section one hundred and eighty of this Act shall not apply to a person by reason only that he is serving on a commission in the Home Guard.

(5) Notwithstanding anything in regulations under section eighty-two of this Act, where by or under such regulations the functions of a commanding officer are conferred on an officer serving on a commission in the Home Guard, he shall not have power to deal with a charge summarily except during a period during which the platoon or other part of the Home Guard to which the accused belongs is mustered (as defined in the Home Guard Act, 1951).

(6) For the purposes of subsection (2) of section eighty-seven and subsection (2) of section eighty-eight of this Act, and of the proviso to subsection (3) of section ninety thereof, any period of service on a commission in the Home Guard shall be disregarded.

213. In relation to women members of the regular forces this Act shall have effect subject to the following modifications:— Modification of certain provisions in relation to women.

(a) so much of Part I of this Act as relates to service in, and transfer to, the reserve shall not apply;

(b) so much of Part II of this Act as provides for field punishment shall not apply; and

PART VI  
—cont.

(c) references in sections one hundred and fifty and one hundred and fifty-one to a wife shall be construed as references to a husband.

*Application to different countries*

Application  
to Scotland.

**214.**—(1) The provisions of this section shall have effect for the purpose of the application of this Act to Scotland.

(2) For any reference to a county court there shall be substituted a reference to the sheriff; and the powers and duties conferred or imposed on a justice of the peace may be exercised or performed either by such justice or by the sheriff.

(3) References in subsection (2) of section one hundred and twenty-five and in subsection (1) of section one hundred and twenty-eight to the Capital Punishment Amendment Act, 1868, or to any provision of that Act shall respectively be construed as references to that Act as it applies to Scotland or to the corresponding provision of that Act applying to Scotland, and references in the said subsection (2) and subsection (1) to the sheriff shall be construed as references to the lord provost or provost, or magistrate or magistrates, charged with seeing the sentence of death carried into effect.

(4) In subsection (2) of section one hundred and twenty-eight for the reference to the Coroners Acts, 1887 to 1926 there shall be substituted a reference to section twenty-five of the Prisons (Scotland) Act, 1952, and that section as applied in relation to any such premises as are mentioned in the said subsection (2) shall have effect subject to the necessary modifications.

(5) For any reference to the Minister of Housing and Local Government there shall be substituted a reference to the Secretary of State; and the local authority for the purposes of Part IV of this Act shall be a county or town council.

(6) Section one hundred and eighty-seven shall have effect as if subsection (4) were omitted.

(7) Section one hundred and ninety-five shall have effect as if for the obligation imposed by subsection (4) on the officer therein mentioned to bring a person before a court of summary jurisdiction there were substituted an obligation to report to the procurator fiscal.

(8) The expression “putative father” in relation to an illegitimate child means the person proved or admitted to be the father; and the expression “chattel” means corporeal moveable.

Application  
to Northern  
Ireland.

**215.**—(1) The provisions of this section shall have effect for the purpose of the application of this Act to Northern Ireland.

(2) The expression “summary conviction” means conviction in accordance with the enactments (including enactments of the Parliament of Northern Ireland) for the time being in force in Northern Ireland relating to summary jurisdiction; and all fines

imposed in proceedings taken before a court of summary jurisdiction in Northern Ireland shall be dealt with in the manner provided by section twenty of the Administration of Justice Act (Northern Ireland), 1954.

PART VI  
—cont.

(3) The jurisdiction and powers of the Secretary of State under this Act with respect to persons committed to or detained in prisons other than military prisons and other than air-force prisons as defined in the Air Force Act, 1955, and with respect to prisons other than as aforesaid, shall in Northern Ireland be exercisable only subject to the approval of the Ministry of Home Affairs for Northern Ireland.

(4) References in subsection (2) of section one hundred and twenty-five and in subsection (1) of section one hundred and twenty-eight to the Capital Punishment Amendment Act, 1868, or to any provision of that Act and to rules made under that Act shall respectively be construed as references to that Act or provision as in force from time to time in Northern Ireland and to any rules under that Act as in force in Northern Ireland, and, accordingly, references in the said subsections to the sheriff shall be construed as references to the under-sheriff.

(5) References in subsection (2) of section one hundred and twenty-eight to the Coroners Acts, 1887 to 1926, shall be construed as references to section thirty-nine of the Prison Act (Northern Ireland), 1953 ; and that section as applied in relation to any such premises as are mentioned in the said subsection (2) shall have effect subject to the necessary modifications.

(6) For the reference in subsection (5) of section one hundred and fifty to section four of the Bastardy Laws Amendment Act, 1872, there shall be substituted a reference to section one of the Illegitimate Children (Affiliation Orders) Act (Northern Ireland), 1924.

(7) In Part IV of this Act references to a local authority shall be construed as references to a welfare authority, references to the Minister of Housing and Local Government shall be construed as references to the Minister of Home Affairs for Northern Ireland, and references to a chief officer of police shall be construed as references to a county inspector of the Royal Ulster Constabulary or any other officer having the rank of a county inspector thereof.

(8) For the reference in section one hundred and seventy-three to section thirty-five of the Road Traffic Act, 1930, there shall be substituted a reference to section six of the Motor Vehicles and Road Traffic Act (Northern Ireland), 1930.

(9) For the reference in subsection (4) of section one hundred and eighty-seven to the Magistrates' Courts Act, 1952, there shall be substituted a reference to the Summary Jurisdiction Acts (Northern Ireland) and the rules made thereunder.

**PART VI**  
—cont.

(10) For the reference in subsection (3) of section two hundred and three to a bankrupt's trustee in bankruptcy there shall be substituted a reference to an assignee in bankruptcy.

(11) In paragraphs 3 and 5 of the table set out in the Second Schedule to this Act for the words "the court under section four of the Guardianship of Infants Act, 1925," there shall be substituted the words "a court of competent jurisdiction".

Application  
to Channel  
Islands and  
Isle of Man.

**216.**—(1) This Act shall apply to the Channel Islands and the Isle of Man in accordance with the following provisions of this section.

(2) Subject as hereinafter provided, references except in Part IV of this Act to the United Kingdom shall be construed as including references to the Channel Islands and the Isle of Man.

(3) References in sections one hundred and nineteen, one hundred and twenty-six, one hundred and twenty-seven and one hundred and forty-three to the United Kingdom shall not include references to the Channel Islands or the Isle of Man, and references in the said section one hundred and twenty-seven to a colony shall include references to the Channel Islands and the Isle of Man.

(4) In relation to an order made by a court in the Isle of Man subsection (5) of section one hundred and fifty of this Act shall have effect with the substitution, for the reference to the Maintenance Orders (Facilities for Enforcement) Act, 1920, of a reference to an Act of Tynwald entitled the Maintenance Orders (Facilities for Enforcement) Act, 1921, and for the reference to section four of the Bastardy Laws Amendment Act, 1872, of a reference to section three of an Act of Tynwald entitled the Bastardy Act Amendment Act, 1924.

Application  
to certain  
overseas  
territories.

**217.**—(1) This Act shall apply in relation to any territory under Her Majesty's protection, and any territory for the time being administered by Her Majesty's Government in the United Kingdom under the trusteeship system of the United Nations, as it applies in relation to a colony; and accordingly references in this Act to Her Majesty's dominions shall be construed as including references to any such territory.

(2) References in this Act to the law of a colony shall include, in relation to two or more colonies under a central legislature, references to law made by that legislature.

Provisions as  
to Federation  
of Malaya.

**218.**—(1) References in this Act to Her Majesty's forces or the armed forces of the Crown shall include references to naval, military or air forces raised in the Federation of Malaya.

(2) References in this Act to Her Majesty's military forces shall include references to military forces raised in the Federation of Malaya.

(3) References in this Act to Her Majesty's service shall include references to the military service of the Federation of Malaya.

(4) References in this Act to Her Majesty's ships and aircraft shall respectively include references to ships and aircraft belonging to the Federation of Malaya.

PART VI  
—cont.

**219.** Notwithstanding anything in the Ireland Act, 1949, this Act shall apply in relation to the Republic of Ireland as it applies in relation to a foreign country and not as it applies in relation to any part of Her Majesty's dominions.

Application  
to Republic  
of Ireland.

#### *Supplemental provisions*

**220.**—(1) In the United Kingdom or any colony, a civil court of any description having jurisdiction in the place where an offender is for the time being shall have jurisdiction to try him for any offence to which this section applies which is triable by a court of that description notwithstanding that the offence was committed outside the jurisdiction of the court:

Jurisdiction  
of courts.

Provided that such an offence committed in any part of the United Kingdom shall not be triable outside that part of the United Kingdom.

(2) The offences to which this section applies are offences against any of the following sections of this Act, that is to say, section nineteen, section one hundred and sixty-one, section one hundred and seventy-one, and sections one hundred and ninety-one to one hundred and ninety-seven; and references in this section to a part of the United Kingdom are references to England and Wales, Scotland or Northern Ireland.

**221.** Any sum paid to the Secretary of State in pursuance of section twenty-seven of the Justices of the Peace Act, 1949, in respect of a fine recovered under this Act shall be deemed to be Exchequer moneys within the meaning of that section and shall be paid by the Secretary of State into the Exchequer.

Disposal of  
summary fines  
in England.

**222.** In the application of this Act to any colony, there shall, if the law of the colony so provides, be substituted for the amount of any fine specified in this Act, being a fine which may be imposed on summary conviction, such amount as may be provided by that law; and it shall be competent for the law of any colony to declare what amount of the local currency is to be treated for the purposes of this Act as equivalent to any amount of money specified in this Act.

Provisions as  
to summary  
fines in  
Colonies.

**223.** Save as expressly provided by any rules or regulations under this Act, any order or determination required or authorised to be made under this Act by any military, naval or air-force officer or authority may be signified under the hand of any officer authorised in that behalf; and any instrument signifying such an order or determination and purporting to be signed by an officer stated therein to be so authorised shall unless the contrary is proved be deemed to be signed by an officer so authorised.

Execution of  
orders,  
instruments,  
etc.

PART VI  
—cont.  
Provisions  
as to active  
service.

**224.**—(1) In this Act the expression “on active service”, in relation to a force, means that it is engaged in operations against an enemy or is engaged in a foreign country in operations for the protection of life or property or (subject to the provisions of this section) is in military occupation of a foreign country, and in relation to a person means that he is serving in or with a force which is on active service.

(2) Where any of Her Majesty’s military forces is serving outside the United Kingdom, and it appears to the appropriate authority that, by reason of the imminence of active service or of the recent existence of active service, it is necessary for the public service that the force should be deemed to be on active service, the appropriate authority may declare that for such period, not exceeding three months, beginning with the coming into force of the declaration as may be specified therein that force shall be deemed to be on active service.

(3) Where it appears to the appropriate authority that it is necessary for the public service that the period specified in a declaration under the last foregoing subsection should be prolonged or, if previously prolonged under this subsection, should be further prolonged, the appropriate authority may declare that the said period shall be prolonged by such time, not exceeding three months, as may be specified in the declaration under this subsection.

(4) If at any time while any force—

(a) is on active service by reason only of being in military occupation of a foreign country ; or

(b) is deemed to be on active service by virtue of the foregoing provisions of this section,

it appears to the appropriate authority that there is no necessity for the force to continue to be treated as being on active service, the appropriate authority may declare that as from the coming into operation of the declaration the force shall cease to be, or to be deemed to be, on active service.

(5) Before any declaration is made under this section, the appropriate authority shall, unless satisfied that it is not possible to communicate with sufficient speed with the Secretary of State, obtain the consent of the Secretary of State to the declaration ; and in any case where that consent has not been obtained before the making of a declaration under this section the appropriate authority shall report the making thereof to the Secretary of State with the utmost practicable speed.

(6) The Secretary of State may, if he thinks fit, direct that any declaration whereby any force is deemed to be, or to continue, on active service shall cease to have effect as from the coming into force of the direction ; but any direction under this subsection shall be without prejudice to anything done by virtue of the declaration before the coming into force of the direction.



(7) A declaration under this section shall have effect not only as respects the members of the force to which it relates but also as respects other persons the application to whom of any provisions of this Act depends on whether that force is on active service.

PART VI  
—cont.

(8) In this section the expression “ the appropriate authority ” means—

- (a) in relation to any force in a colony, the Governor of the colony ;
- (b) in relation to any force not in a colony, the general officer or brigadier commanding the force, so however that where the force is under the command of a flag officer or air officer that officer shall be the appropriate authority.

(9) Any declaration under this section made by the Governor of a colony shall be made by proclamation published in the official Gazette of the colony.

(10) Any declaration or direction under this section shall come into operation on being published in general orders.

**225.**—(1) In this Act :—

“ acting rank ” means rank of any description (however called) such that under Queen’s Regulations a commanding officer has power to order the holder to revert from that rank, “ acting warrant officer ” and “ acting non-commissioned officer ” shall be construed accordingly, and references to acting non-commissioned officers shall be construed as including references to lance-corporals and lance-bombardiers ;

General  
provisions  
as to  
interpretation.

“ active service ” shall be construed in accordance with the last foregoing section ;

“ aircraft ” means any machine for flying, whether propelled by mechanical means or not, and includes any description of balloon ;

“ aircraft material ” includes—

(a) parts of, and components of or accessories for, aircraft, whether for the time being in aircraft or not ;

(b) engines, armaments, ammunition and bombs and other missiles of any description in, or for use in, aircraft ;

(c) any other gear, apparatus or instruments in, or for use in, aircraft ;

(d) any apparatus used in connection with the taking-off or landing of aircraft or for detecting the movement of aircraft ; and

(e) any fuel used for the propulsion of aircraft and any material used as a lubricant for aircraft or aircraft material ;

PART VI  
—cont.

- “appropriate superior authority” has the meaning assigned to it by subsection (1) of section seventy-seven and subsection (2) of section eighty-two of this Act ;
- “arrest” includes open arrest ;
- “before the enemy”, in relation to a person, means that he is in action against the enemy or about to go into action against the enemy, or is under attack or threat of imminent attack by the enemy ;
- “civil court” means a court of ordinary criminal jurisdiction but does not, except where otherwise expressly provided, include any such court outside Her Majesty’s dominions ;
- “civil offence” has the meaning assigned to it by subsection (2) of section seventy of this Act ;
- “commanding officer” has the meaning assigned to it by subsection (1) of section eighty-two of this Act ;
- “Commonwealth force” means any of the naval, military or air forces of Canada, the Commonwealth of Australia, New Zealand, the Union of South Africa, India, Pakistan or Ceylon ;
- “constable” includes any person (whether within or outside the United Kingdom) having powers corresponding with those of a constable ;
- “corps” means any such body of the regular forces as may from time to time be declared by warrant of Her Majesty to be a corps for the purposes of this Act ;
- “corresponding civil offence” has the meaning assigned to it by subsection (2) of section seventy of this Act ;
- “corresponding rank,” in relation to any rank or rating of any of Her Majesty’s naval, military or air forces, means such rank or rating of any other of those forces as may be declared by Queen’s Regulations to correspond therewith ;
- “court-martial,” except where it is otherwise expressly provided, means a court-martial under this Act ;
- “damage” includes destruction, and references to damaging shall be construed accordingly ;
- “decoration” includes medal, medal ribbon, clasp and good-conduct badge ;
- “desertion” shall be construed in accordance with subsection (2) of section thirty-seven of this Act ;
- “enemy” includes all persons engaged in armed operations against any of Her Majesty’s forces, and also includes all armed mutineers, armed rebels, armed rioters and pirates ;
- “Governor” means, in relation to any colony, the officer, however styled, who is for the time being administer-

ing the government of the colony and includes the British Resident, Zanzibar, but where two or more colonies or the parts of any colony are under local governments and also under a central government, references to the Governor shall be construed as references to the officer, however styled, who is for the time being administering the central government;

PART VI  
—*cont.*

“ Her Majesty’s air forces”, “ Her Majesty’s military forces ” or “ Her Majesty’s naval forces ”, except where otherwise expressly provided, does not include any Commonwealth force ;

except where the context otherwise requires “ oath ” includes affirmation, and references to swearing shall be construed accordingly ;

“ property ” includes real property in England or Wales or Northern Ireland, heritable property in Scotland, and property outside the United Kingdom of the nature of real property ;

“ provost officer ” means a provost marshal or officer appointed to exercise the functions conferred by or under this Act on provost officers and includes a naval provost marshal, an assistant to a naval provost marshal, and an officer appointed to exercise functions conferred by or under the Air Force Act, 1955, and corresponding with those of a provost officer under this Act ;

“ public property ” means any property belonging to any department of Her Majesty’s Government in the United Kingdom or the Government of Northern Ireland or held for the purposes of any such department ;

“ Queen’s Regulations ” means the Queen’s Regulations for the Army ;

“ regular forces ” means any of Her Majesty’s military forces other than the army reserve, the Territorial Army and the Home Guard, and other than forces raised under the law of a colony, so however that an officer of any reserve of officers, or an officer who is retired within the meaning of any Royal Warrant, shall not be treated for the purposes of this Act as a member of the regular forces save in so far as is expressly provided by this Act ;

“ Royal Warrant ” means the warrant or warrants of Her Majesty for the time being in force for regulating the pay and promotion of the army ;

“ Rules of Procedure ” has the meaning assigned to it by section one hundred and three of this Act ;

“ service ”, when used adjectivally, means belonging to or connected with Her Majesty’s military forces or any part of Her Majesty’s military forces ;

PART VI  
—cont.

“service property” includes property belonging to any joint association or territorial army association within the meaning of the Auxiliary Forces Act, 1953, or to the Navy, Army and Air Force Institutes;

“ship” includes any description of vessel;

“steals” has the same meaning as in the Larceny Act, 1916;

“stoppages” means the recovery, by deductions from the pay of the offender, of a specified sum by way of compensation for any expense, loss or damage occasioned by the offence.

(2) References in this Act to warrant officers, non-commissioned officers or men of the army reserve being called out on permanent service are references to their being so called out whether in pursuance of a proclamation or not, but in Part I of this Act and subsection (2) of section one hundred and sixty-seven thereof do not include references to their being called out for overseas service otherwise than in pursuance of a proclamation.

(3) Any power conferred by this Act to make provision by regulations, rules or other instrument shall include power to make that provision for specified cases or classes of cases, and to make different provision for different classes of cases, and for the purposes of any such instrument classes of cases may be defined by reference to any circumstances specified in the instrument.

(4) Any power conferred by the foregoing provisions of this Act to make an order shall be construed as including power, exercisable in the like manner and subject to the like provisions, to vary or revoke the order.

Short title,  
commence-  
ment and  
duration.

226.—(1) This Act may be cited as the Army Act, 1955.

(2) This Act shall come into operation on such date as Her Majesty may by Order in Council appoint.

(3) This Act shall expire twelve months after the coming into operation thereof unless continued in accordance with the following provisions of this section.

(4) Her Majesty may from time to time by Order in Council provide that this Act shall continue in force for a period of twelve months beyond the date on which it would otherwise expire:

Provided that unless Parliament otherwise determines no Order in Council shall be made under this subsection so as to continue this Act beyond the expiration of five years from the date appointed under subsection (2) of this section.

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

## SCHEDULES

### FIRST SCHEDULE

Sections 2, 18,  
23.

#### PROCEDURE FOR ATTESTATION

1. The recruiting officer shall warn the person to be enlisted that if he makes any false answer to the questions to be read out to him he will be liable to be punished as provided by this Act.

2. He shall then read, or cause to be read, to that person the questions set out in the attestation paper and satisfy himself that he understands each of those questions and that his answers thereto have been duly recorded in the attestation paper.

3. He shall then ask that person to make and sign the declaration set out in the attestation paper as to the truth of the answers and shall administer to him the oath of allegiance as set out in the attestation paper.

4. Upon signing the declaration and taking the oath the said person shall become a soldier of the regular forces.

5. The recruiting officer shall by signature attest, in the manner required by the attestation paper, that the requirements of this Act as to the attestation of the recruit have been carried out and shall deliver the attestation paper duly dated to such person as may be prescribed by regulations of the Army Council.

6. When in accordance with such regulations the recruit is finally approved for service, the officer by whom he is approved shall at his request furnish him with a certified copy of the attestation paper.

### SECOND SCHEDULE

Sections 20, 215.

#### PERSONS ENTITLED TO OBJECT TO ENLISTMENT OF NATIONAL SERVICE MEN ON REGULAR ENGAGEMENT

An objection under subsection (3) of section twenty of this Act may be made, in any of the circumstances specified in the first column of the following table, by the person or either of the persons specified in relation thereto in the second column of that table.

#### TABLE

| <i>Circumstances</i>                                                                | <i>Person or persons entitled to object</i>                                                                                                                                                                                                                                      |
|-------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Where the person enlisted is legitimate, and both his parents are living:        |                                                                                                                                                                                                                                                                                  |
| (a) if his parents are living together;                                             | Both parents.                                                                                                                                                                                                                                                                    |
| (b) if his parents are divorced or separated by order of any court or by agreement; | The parent to whom the custody of the person enlisted is committed by order of the court or by the agreement, or, if the custody of the person enlisted is so committed to one parent during part of the year and to the other parent during the rest of the year, both parents. |

2ND SCH.  
—cont.

| <i>Circumstances</i>                                                                            | <i>Person or persons entitled to object</i>                                                                                                                                                          |
|-------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (c) if one parent has been deserted by the other;                                               | The parent who has been deserted.                                                                                                                                                                    |
| (d) if both parents have been deprived of custody of the person enlisted by order of the court. | The person to whose custody the person enlisted is committed by order of the court.                                                                                                                  |
| 2. Where the person enlisted is legitimate, and one parent is dead:                             |                                                                                                                                                                                                      |
| (a) if there is no guardian;                                                                    | The surviving parent.                                                                                                                                                                                |
| (b) if a guardian has been appointed by the deceased parent.                                    | The surviving parent and the guardian (if acting) jointly, or the surviving parent or the guardian if the parent or guardian is the sole guardian of the person enlisted.                            |
| 3. Where the person enlisted is legitimate, and both parents are dead.                          | The guardian or guardians appointed by the deceased parents or by the court under section four of the Guardianship of Infants Act, 1925.                                                             |
| 4. Where the person enlisted is illegitimate, and his mother is alive.                          | The mother, or if she has by order of any court been deprived of the custody of the person enlisted, the person to whom the custody of the person enlisted has been committed by order of the court. |
| 5. Where the person enlisted is illegitimate, and his mother is dead.                           | The guardian appointed by his mother or by the court under section four of the Guardianship of Infants Act, 1925.                                                                                    |

Section 98.

### THIRD SCHEDULE

#### ALTERNATIVE OFFENCES OF WHICH ACCUSED MAY BE CONVICTED BY COURT-MARTIAL

| <i>Offence charged</i>                                                                                                  | <i>Alternative offence</i>                                                                                                      |
|-------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|
| 1. Communicating with or giving intelligence to the enemy, either with intent to assist the enemy or without authority. | 1. Disclosing information without authority.                                                                                    |
| 2. Striking his superior officer.                                                                                       | 2. (a) Using violence to his superior officer otherwise than by striking him.<br>(b) Offering violence to his superior officer. |
| 3. Using violence to his superior officer otherwise than by striking him.                                               | 3. Offering violence to his superior officer.                                                                                   |

*Offence charged*

4. Using threatening language to his superior officer.
5. Disobeying, in such a manner as to show wilful defiance of authority, a lawful command given or sent to him personally.
6. Desertion.
7. Attempting to desert.
8. Stealing any property.
9. Any offence against section forty-four or forty-five of this Act involving wilfulness.
10. Any offence against subsection (1) of section fifty-four of this Act.
11. Any offence against section fifty-five of this Act involving striking.
12. Any offence against section fifty-five of this Act involving the use of violence other than striking.

*Alternative offence*

4. Using insubordinate language to his superior officer.
5. Disobeying a lawful command.
6. Absence without leave.
7. Absence without leave.
8. Fraudently misapplying the property.
9. The corresponding offence involving negligence.
10. Any offence against subsection (2) of section fifty-four of this Act.
11. (a) The corresponding offence involving the use of violence other than striking.  
(b) The corresponding offence involving the offering of violence.
12. The corresponding offence involving the offering of violence.

3RD SCH.  
—cont

## FOURTH SCHEDULE

Sections 168,  
172.SUPPLEMENTARY PROVISIONS AS TO PAYMENT FOR REQUISITIONED  
VEHICLES

1.—(1) Subject to the provisions of this Schedule, any payment under subsection (1) of section one hundred and sixty-eight of this Act shall (without prejudice to any agreement as to payment on account) become due on the expiration of the period for which possession of the vehicle in question is retained.

(2) Subject to the provisions of this Schedule, any payment under subsection (2) of section one hundred and sixty-eight of this Act shall become due on the furnishing of the vehicle.

(3) Any payment under paragraph (b) of subsection (3) of the said section one hundred and sixty-eight shall become due on the furnishing of the vehicle.

2.—(1) As soon as may be after the furnishing of a vehicle there shall be given or sent to the person by whom it was furnished, by such person and in such form and manner as may be specified by instructions of the Army Council, a receipt for the vehicle specifying what payment,

4TH SCH.  
—cont.

at what rate or of what amount, is offered in respect of the furnishing thereof under paragraph (a) of subsection (1), or as the case may be under subsection (2), of section one hundred and sixty-eight of this Act.

(2) As soon as may be after the end of the period for which possession of a vehicle is retained, there shall be given or sent to the person by whom the vehicle was furnished, by such person and in such form and manner as aforesaid, a notice stating whether any, and if so what, damage to the vehicle has occurred during the period for which possession of the vehicle was retained, other than damage which has been made good by a person acting on behalf of Her Majesty, or that the total loss of the vehicle has occurred, and specifying what payment is offered in respect of the damage or loss under paragraph (b) or (c) of subsection (1) of section one hundred and sixty-eight of this Act.

3.—(1) A person to whom a receipt or notice under the last foregoing paragraph has been given or sent (hereinafter referred to as “the claimant”) shall be deemed to have accepted the offer contained therein unless within three weeks from the time at which he received the receipt or notice he gives notice to the person by whom the receipt or notice was given or sent that he claims some specified greater amount or rate.

(2) Where a notice under the last foregoing paragraph has been given or sent stating that no damage has occurred to a vehicle during the period for which possession of the vehicle is retained, the claimant shall be deemed to have agreed that no damage has so occurred unless within three weeks from the time at which he received the notice he gives notice to the person by whom the notice was given or sent claiming that damage has so occurred and stating what payment he claims under subsection (1) of section one hundred and sixty-eight of this Act in respect of the damage.

(3) On the making of a claim under either of the two last foregoing sub-paragraphs the Army Council may notify the claimant either that they do not propose to make any further offer or that they make a specified further offer.

4.—(1) Subject to the provisions of the last foregoing paragraph and to the following provisions of this paragraph, a county court shall have jurisdiction to determine any dispute—

(a) as to the amount of any payment due under subsection (1) or (2) of section one hundred and sixty-eight of this Act, or whether any payment is due under any provision of the said subsection (1), or

(b) as to the amount of any payment due under paragraph (b) of subsection (3) of that section,

irrespective of the amount in dispute.

(2) An application to the county court for the determination of any such dispute as is mentioned in head (a) of the last foregoing sub-paragraph shall not be made before the expiration of three weeks from the making of the claim under sub-paragraph (1) or (2) of the last foregoing paragraph unless a notification has been given to the applicant



under sub-paragraph (3) of the last foregoing paragraph; and where such a notification contains a further offer by the Army Council, the person to whom it is given shall be deemed to have accepted the offer unless he makes such an application within three weeks from receipt of the notification.

4TH SCH.  
—cont.

5. The instructions of the Army Council referred to in paragraph 2 of this Schedule shall secure that any receipt or notice under that paragraph, or any notification under sub-paragraph (2) of the last foregoing paragraph, contains a statement of the effect of paragraph 3 of this Schedule or, as the case may be, of sub-paragraph (2) of the last foregoing paragraph.

6. In the foregoing provisions of this Schedule the expression "damage" does not include damage resulting in a total loss, or damage attributable to fair wear and tear.

7. Nothing in the foregoing provisions of this Schedule shall apply to a case falling within subsection (4) of section one hundred and sixty-eight or the proviso to subsection (2) of section one hundred and seventy-two of this Act, and any sum payable by virtue of that subsection or proviso shall become due on the making, by the person by whom the vehicle is required to be furnished, of a claim therefor to such authority as may have been specified in that behalf in the direction requiring the furnishing of the vehicle (or if no such authority was specified, to the Army Council):

Provided that before making any such payment the said authority or the Army Council, as the case may be, may require reasonable particulars of the damage in question and of the circumstances in which it occurred and may require a reasonable opportunity to be afforded to a person authorised by them to inspect the vehicle in question.

8. A county court shall have jurisdiction to deal with any claim arising under subsection (4) or subsection (5) of section one hundred and sixty-eight of this Act, or under the proviso to subsection (2) of section one hundred and seventy-two thereof, irrespective of the amount of the claim.

## FIFTH SCHEDULE

Sections 204,  
209.

### CIVILIANS OUTSIDE THE UNITED KINGDOM SUBJECT TO PART II WHEN NOT ON ACTIVE SERVICE

1. Persons serving Her Majesty, or otherwise employed, in such capacities connected with Her Majesty's naval, military or air forces as may be specified for the purposes of this Schedule by regulations of the Army Council, being persons serving or employed under Her Majesty's Government in the United Kingdom.

2. Persons who are employed by, or in the service of, any naval, military or air-force organisation so specified to which Her Majesty's Government in the United Kingdom is a party and are employed by or in the service of that organisation by reason of that Government being a party thereto.

3. Persons belonging to or employed by any other organisation so specified which operates in connection with Her Majesty's naval, military or air forces.

5TH SCH.  
—cont.

4. Persons who, for the purposes of their profession or employment, are attached to or accompany any of Her Majesty's naval, military or air forces in pursuance of an authorisation granted by or on behalf of the Admiralty, the Army Council or the Air Council.

5. Persons forming part of the family of members of any of Her Majesty's naval, military or air forces and residing with them or about to reside or departing after residing with them.

6. Persons forming part of the family of persons falling within paragraphs 1 to 4 of this Schedule and residing with them or about to reside or departing after residing with them.

7. Persons employed by members of any of Her Majesty's naval, military or air forces.

8. Persons employed by persons falling within paragraphs 1 to 6 of this Schedule.

9. Persons forming part of the family of persons falling within either of the last two foregoing paragraphs and residing with them or about to reside or departing after residing with them.

Section 208.

## SIXTH SCHEDULE

### APPLICATION OF MILITARY LAW TO ATTACHED MEMBERS OF NAVAL AND AIR FORCES

1.—(1) As respects the punishment of a person subject to military law by virtue of section two hundred and eight of this Act, the following adaptations shall have effect.

(2) References to forfeiture in the prescribed manner of seniority in the army or the corps to which the offender belongs shall be construed as references to forfeiture of seniority in his own service in such manner as may be prescribed by Rules of Procedure.

(3) In relation to members of any of Her Majesty's naval forces references to cashiering or discharge with ignominy shall be construed as references to dismissal with disgrace from Her Majesty's service, references to reduction to the ranks or any less reduction in rank shall be construed as references to disrating to an extent not greater than that which would have been authorised on conviction by a court-martial under the Naval Discipline Act, and paragraph (g) of subsection (2) of section seventy-two of this Act shall not apply.

2. For the purposes of the provisions of this Act relating to the constitution of courts-martial an officer subject to military law as aforesaid shall be treated as an officer belonging to Her Majesty's military forces of corresponding rank.

3. As respects the reconsideration of any sentence of a court-martial under this Act passed on a person subject to military law as aforesaid, the reference to the Army Council shall include a reference to his own Service Authority, and the functions of the authority required by those provisions to reconsider a sentence may be exercised by his own Service Authority.

4. As respects the review of a finding or award made on the summary disposal of a charge against a person subject to military law as aforesaid, references to the Army Council in the provisions of this Act relating to such reviews shall include references to his own Service Authority.

6TH SCH.  
—cont.

5. In proceedings under this Act against a person subject to military law as aforesaid any document which would have been evidence in the like proceedings under his own service law shall be evidence in like manner, subject to the like conditions and for the like purposes as in the first-mentioned proceedings.

6. In the application of this Act to a person subject to military law as aforesaid references to the regular forces shall include references to his own service, and references to any rank shall include references to the corresponding rank of his own service.

7. In relation to a person subject to military law as aforesaid subsection (3) of section one hundred and thirty-two of this Act shall have effect with the substitution for the period of three months therein mentioned of the period of three months next after the earliest date on which he is no longer subject either to military law or to his own service law.

8. In the application of sections one hundred and forty-four and one hundred and forty-nine of this Act to a person subject to military law as aforesaid references to a Royal Warrant shall include references to an Order in Council (if he is a member of any of Her Majesty's naval forces) or to an order under section two of the Air Force (Constitution) Act, 1917 (if he is a member of any of Her Majesty's air forces).

9. Sections one hundred and fifty to one hundred and fifty-two and one hundred and eighty of this Act shall not apply to a person subject to military law as aforesaid.

10. In this Schedule—

- (a) references to a person's own service shall be construed as references to the naval or air force to which he belongs,
  - (b) references to a person's own service law shall be construed as references to the Naval Discipline Act or to air-force law, and
  - (c) references to a person's own Service Authority shall be construed as references to the Admiralty or to the Air Council,
- according as he is a member of Her Majesty's naval forces or Her Majesty's air forces.

## SEVENTH SCHEDULE

Section 210.

### PROVISIONS AS TO ROYAL MARINES

#### PART I

#### ENLISTMENT, SERVICE AND DISCHARGE

1. The provisions of the four following paragraphs shall have effect in substitution for sections four to thirteen.

2.—(1) The terms for which persons may be enlisted to serve Her Majesty as men of the Royal Marines are the following.

7TH SCH.  
—cont.

(2) A person who has attained the age of eighteen years may be enlisted either—

- (a) for such term not exceeding twelve years, beginning with the date of his attestation, as may be authorised by order of the Admiralty, being a term wholly of service in the Royal Marines; or
- (b) for such term beginning as aforesaid, not exceeding twelve years, as may be so authorised, being a term consisting as to so much thereof as may be provided by order of the Admiralty of service in the Royal Marines and as to the residue of service in the Royal Fleet Reserve.

(3) A person who has not attained the age of eighteen years may be enlisted either—

- (a) for a term consisting wholly of service in the Royal Marines beginning with the date of his attestation and ending with the expiration of such period, not exceeding twelve years, beginning with the date on which he attains the age of eighteen years as may be authorised by order of the Admiralty; or
- (b) for a term ending with the expiration of such period as aforesaid and consisting, as to so much thereof as may be specified by order of the Admiralty, of service in the Royal Marines and, as to the residue thereof, of service in the Royal Fleet Reserve.

(4) A marine enlisted for a term consisting partly of service in the Royal Marines and partly of service in the Royal Fleet Reserve may at any time before the expiration of his service in the Royal Marines elect to continue serving therein for the remainder of the term of his engagement, and thereupon shall be treated as if that engagement had been for service in the Royal Marines for the whole term thereof.

(5) The foregoing provisions of this paragraph shall not apply to persons enlisted in pursuance of the National Service Act, 1948.

3.—(1) Any marine may, if approved by his commanding officer or other competent authority as a fit person to continue in Her Majesty's service as a marine, be re-engaged for any period authorised by order of the Admiralty:

Provided that the aggregate of the terms of the first and second engagements shall not exceed twenty-two years.

(2) A marine shall on his re-engagement make a declaration, in such form as may be provided by regulations of the Admiralty, before a naval officer commanding any ship commissioned by Her Majesty or before the commanding officer of any unit or detachment of Royal Marines.

4.—(1) The following provisions shall have effect as to the prolongation of service of a marine.

(2) If the period for which, under his first or second engagement, a marine is required to serve in the Royal Marines expires while he is serving on any foreign station, that period may be prolonged for such further time, not exceeding two years, as the commanding officer on the station may direct.

(3) A marine completing the period for which, under his second engagement, he is required to serve in the Royal Marines may give notice to his commanding officer that he wishes to continue in Her Majesty's service as a marine, and thereupon, if his commanding officer or other competent authority approves, he may be continued in such service, but may at any time terminate it by not less than three months' notice given by him to his commanding officer.

7TH SCH.  
—cont.

(4) Her Majesty may by proclamation call upon marines or any class of marines serving in the Royal Marines to extend the period for which they are required to serve therein for five years, and any marine to whom such a proclamation relates may be required to serve for a period of five years from the time at which he would otherwise be entitled to be discharged or (as the case may be) transferred to the Royal Fleet Reserve, if his services are so long required, and while a proclamation under this sub-paragraph is in force no direction shall be given under sub-paragraph (2) of this paragraph as respects any marine to whom the proclamation relates.

5.—(1) The following provisions shall have effect as to the discharge and transfer to the Royal Fleet Reserve of marines serving in the Royal Marines.

(2) Save as hereinafter provided, a marine, upon becoming entitled to be discharged or transferred, shall be discharged or transferred with all convenient speed, but until discharged or transferred shall be treated as if his period of service in the Royal Marines had not come to an end.

(3) Where at the time a marine is entitled to be discharged or transferred he is serving on a foreign station, then subject to the provisions of the next following sub-paragraph he shall be returned with all convenient speed to the United Kingdom and shall there be discharged or transferred.

(4) If at the time at which he is entitled to be discharged a marine is serving in any part of Her Majesty's dominions outside the United Kingdom, then if he so elects and obtains the consent of his commanding officer and, through his commanding officer, the consent of the proper authority of the country where he is, the last foregoing sub-paragraph shall not apply and he shall be discharged in that country and shall not afterwards have any claim to be sent to the United Kingdom or elsewhere.

(5) Where a marine who has, or is reasonably suspected of having, committed an offence under the Naval Discipline Act is entitled to be discharged or transferred at a time before he has been tried and punished for the offence, section one hundred and thirty-one shall with the necessary modifications apply in relation to the offence as if references therein to a court-martial and to military law included references to a naval court-martial and to the Naval Discipline Act.

(6) Except in pursuance of a sentence of a court-martial (whether under this Act, the Naval Discipline Act or the Air Force Act, 1955), a marine shall not be discharged unless his discharge has been authorised by order of an officer appointed by the Admiralty for the purposes of this sub-paragraph or by authority direct from the Admiralty; and in any case the discharge of a marine shall be carried out in accordance with the provisions in that behalf made by order of the Admiralty.

7TH SCH.  
—cont.

(7) Every marine shall on his discharge be given a certificate of discharge containing such particulars as may be prescribed by order of the Admiralty.

6. Subsections (1) and (2) of section three, sections fourteen and seventeen, and so much of Part II as relates to forfeiture of service, shall not apply to marines.

7. Section eighteen shall have effect, in relation to men of the Royal Marines, as if references to enlistment included references to re-engagement, and in relation to re-engagement references to the declaration mentioned in that section and to attestation or an attestation paper included references to the declaration required by sub-paragraph (2) of paragraph 3 of this Schedule.

8. References in section twenty to entry on a regular engagement shall be construed as references to being enlisted for any such term as is mentioned in head (a) or (b) of sub-paragraph (2) of paragraph 2 of this Schedule.

9. In the application of Part I of this Act to marines, for any reference to the minimum age for man's service there shall be substituted a reference to the age of seventeen years.

10. In this Part of this Schedule references to a marine include references to a non-commissioned officer.

## PART II

### MISCELLANEOUS ADAPTATIONS

11. In section forty the reference to the Army Council shall include a reference to the Admiralty.

12. Section seventy-two shall have effect as if in the scale set out in subsection (2) thereof there were inserted, after paragraph (k), the following paragraph:—

“(kk) forfeiture of good-conduct badges, either in addition to or in lieu of any other punishment.”

13. In the provisions of this Act relating to enlistment and attachment, references to the Admiralty shall be substituted for references to the Army Council.

14. In the provisions of this Act relating to the reconsideration of sentences the reference to the Army Council shall include a reference to the Admiralty, and the functions of the authority required by those provisions to reconsider a sentence may be exercised by the Admiralty.

15. In the provisions of this Act relating to the review of summary findings and awards references to the Army Council shall include references to the Admiralty.

16. In the provisions of this Act relating to confessions of desertion, to forfeitures of and deductions from pay, to evidence, and to the execution of orders and instruments, references to the Army Council and to a military authority shall include respectively references to the Admiralty and to a naval authority.

17. In the provisions of this Act relating to boards of inquiry and regimental inquiries references to the Army Council shall include references to the Admiralty.

18. In the provisions of this Act relating to forfeitures of and deductions from pay references to a Royal Warrant shall include references to an Order in Council; and in the provisions of this Act relating to compensation for loss occasioned by wrongful act or negligence the reference to the Army Council shall include a reference to the Admiralty.

7TH SCH.  
—cont.

19. Sections one hundred and fifty to one hundred and fifty-two shall not apply to officers, non-commissioned officers and men of the Royal Marines, the Royal Marine Forces Volunteer Reserve, the Royal Fleet Reserve or the Royal Marine Emergency Reserve.

20. The following shall be substituted for section one hundred and eighty:—

“If an officer thinks himself wronged in any matter by a superior officer or authority and on application to his commanding officer does not obtain the redress to which he thinks he is entitled he may make a complaint with respect to that matter to the Admiralty, and it shall be the duty of the Admiralty to enquire into the complaint and to grant any redress which appears to them to be necessary.”

21. In the provisions of this Act relating to reduction in rank of non-commissioned officers the references to the Army Council shall include references to the Admiralty.

22. In this Act the expression “the regular forces” does not include officers, non-commissioned officers, or marines of the Royal Marine Forces Volunteer Reserve, the Royal Fleet Reserve or the Royal Marine Emergency Reserve; but the provisions of section two hundred and eleven shall apply—

- (a) to such officers as they apply to officers of any reserve of officers,
- (b) to such non-commissioned officers and marines as they apply to non-commissioned officers and men of the army reserve.

### PART III TRANSFERS

23. A non-commissioned officer or marine of the Royal Marines may, with his consent, at any time be transferred by joint order of the Admiralty and the Army Council to another corps of the regular forces; and a warrant officer, non-commissioned officer or soldier serving in a corps of the regular forces other than the Royal Marines may, with his consent, at any time be transferred by such an order to the Royal Marines.

24. Where a person is in pursuance of the last foregoing paragraph transferred to the Royal Marines, the Admiralty, and where a person is so transferred to another corps, the Army Council, may by order vary the conditions of his service so as to conform to such conditions of service in the corps to which he is transferred as correspond, as nearly as may be, with the conditions of his service immediately before the transfer.

*Table of Statutes referred to in this Act*

| Short Title                                                | Session and Chapter                    |
|------------------------------------------------------------|----------------------------------------|
| Act of Settlement ... ..                                   | 12 & 13 Will. 3. c. 2.                 |
| Lunacy (Scotland) Act, 1862... ..                          | 25 & 26 Vict. c. 54.                   |
| Naval Discipline Act ... ..                                | 29 & 30 Vict. c. 109.                  |
| Capital Punishment Amendment Act, 1868... ..               | 31 & 32 Vict. c. 24.                   |
| Bastardy Laws Amendment Act, 1872 ... ..                   | 35 & 36 Vict. c. 65.                   |
| Lunacy Act, 1890 ... ..                                    | 53 & 54 Vict. c. 5.                    |
| Larceny Act, 1916 ... ..                                   | 6 & 7 Geo. 5. c. 50.                   |
| Air Force (Constitution) Act, 1917 ... ..                  | 7 & 8 Geo. 5. c. 51.                   |
| Maintenance Orders (Facilities for Enforcement) Act, 1920. | 10 & 11 Geo. 5. c. 33.                 |
| Guardianship of Infants Act, 1925 ... ..                   | 15 & 16 Geo. 5. c. 45.                 |
| Road Traffic Act, 1930 ... ..                              | 20 & 21 Geo. 5. c. 43.                 |
| National Service Act, 1948 ... ..                          | 11 & 12 Geo. 6. c. 64.                 |
| Ireland Act, 1949 ... ..                                   | 12, 13 & 14 Geo. 6. c. 41.             |
| Justices of the Peace Act, 1949 ... ..                     | 12, 13 & 14 Geo. 6. c. 101.            |
| Army Reserve Act, 1950 ... ..                              | 14 Geo. 6. c. 32.                      |
| Courts-Martial (Appeals) Act, 1951 ... ..                  | 14 & 15 Geo. 6. c. 46.                 |
| Home Guard Act, 1951 ... ..                                | 15 & 16 Geo. 6. & 1 Eliz. 2.<br>c. 8.  |
| Prisons Act, 1952 ... ..                                   | 15 & 16 Geo. 6. & 1 Eliz. 2.<br>c. 52. |
| Magistrates' Courts Act, 1952 ... ..                       | 15 & 16 Geo. 6. & 1 Eliz. 2.<br>c. 55. |
| Prisons (Scotland) Act, 1952 ... ..                        | 15 & 16 Geo. 6. & 1 Eliz. 2.<br>c. 61. |
| Auxiliary Forces Act, 1953 ... ..                          | 1 & 2 Eliz. 2. c. 50.                  |

## CHAPTER 19

### *Air Force Act, 1955*

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##### Section

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3. Enlistment for general or corps service.

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An Act to make provision with respect to the air force.  
 [6th May, 1955]

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

## PART I

## ENLISTMENT AND TERMS OF SERVICE

*Enlistment*

1. The following persons may enlist recruits in the regular Recruiting air force and are in this Act referred to as recruiting officers, officers. that is to say,—

- (a) whether within or without Her Majesty's dominions, any officer authorised under regulations of the Air Council,
- (b) in a colony, any person authorised by the Governor of the colony,
- (c) outside Her Majesty's dominions, any British consul-general, consul or vice-consul, and any person duly exercising the authority of a British consul.

2.—(1) A person offering to enlist in the regular air force Enlistment. shall be given a notice in the prescribed form setting out the questions to be answered on attestation and stating the general

H\*

PART I  
—cont.

conditions of the engagement to be entered into by him ; and a recruiting officer shall not enlist any person in the regular air force unless satisfied by that person that he has been given such a notice, understands it and wishes to be enlisted.

(2) The procedure for enlisting a person in the regular air force shall be that set out in the First Schedule to this Act.

(3) A recruiting officer shall not enlist a person under the minimum age for man's service unless consent to the enlistment has been given in writing—

- (a) if the person offering to enlist is living with both or one of his parents, by the parents or parent ;
- (b) if he is not living with both or one of his parents, but any person (whether a parent or not) whose whereabouts are known or can after reasonable enquiry be ascertained has parental rights and powers in respect of him, by that person ;
- (c) if there is no such person as is mentioned in paragraph (b) of this subsection or if after reasonable enquiry it cannot be ascertained whether there is any such person, by any person in whose care (whether in law or in fact) the person offering to enlist may be.

(4) Where the recruiting officer is satisfied, by the production of a certified copy of an entry in the register of births or by any other evidence appearing to him to be sufficient, that a person offering to enlist has or has not attained the minimum age for man's service, that person shall be deemed for the purposes of this Act to have attained, or as the case may be, not to have attained, that age.

A document purporting to be a certificate signed by the recruiting officer, stating that he is satisfied as aforesaid, shall be sufficient evidence, until the contrary is proved, that he is so satisfied.

(5) In this Part of this Act the expression " minimum age for man's service " means the age of seventeen years and six months, except that in such classes of case as may be prescribed it means the age of seventeen years.

*Enlistment for general or corps service*

Enlistment for  
general or  
corps service.

3. Recruits may, in pursuance of regulations of the Air Council under this Part of this Act, be enlisted for service in particular corps, but save as may be provided by such regulations recruits shall be enlisted for general service.



*Terms and conditions of service*

## PART I

—cont.

Terms of  
enlistment.

4.—(1) The term for which a person enlisting in the regular air force may be enlisted shall be such term, beginning with the date of his attestation, as is mentioned in the next following subsection.

(2) The said term shall be—

- (a) where the person to be enlisted has attained the minimum age for man's service, such term not exceeding twelve years as may be prescribed, and
- (b) where he has not attained the minimum age for man's service, a term ending with the expiration of such period, not exceeding twelve years, beginning with the date on which he attains the age of eighteen years, as may be prescribed,

and shall be either a term of air-force service or a term being as to such part thereof as may be prescribed a term of air-force service and as to the remainder a term of service in the reserve.

5.—(1) Where a person in air-force service who enlisted for a term ending before the expiration of the period of twelve years beginning with the relevant date makes a written application in that behalf to the competent air-force authority and the authority consent, then on his making such a declaration before his commanding officer as may be prescribed, the term for which he enlisted may be extended so as to end at such time, not later than the expiration of the said period, as may be specified in the application and so as to increase the period of his air-force service, his service in the reserve, or both, as may be so specified.

Change of  
conditions of  
service by  
extension of  
term or of air-  
force service.

(2) In this section the expression "the relevant date" means—

- (a) if the said person enlisted after attaining the minimum age for man's service, the date of his attestation ;
- (b) if he enlisted before attaining that age, the date of his attaining the age of eighteen years.

(3) Where the term for which a person in air-force service enlisted, or that term as extended under subsection (1) of this section, includes a period of service in the reserve and he makes a written application in that behalf to the competent air-force authority, his period of air-force service may with the consent of that authority be increased, according as may be specified in the application, so as to extend to the whole or a specified part of the first-mentioned period.

6.—(1) Where a person in air-force service makes a written application in that behalf to the competent air-force authority he may with the consent of that authority be transferred to the reserve with liability to serve therein until the expiration of the term for which he enlisted (including any extension thereof under subsection (1) of the last foregoing section).

Change of  
conditions of  
service by  
transfer to  
or from the  
reserve.

**PART I**  
—cont.

(2) Where a person in the reserve makes a written application in that behalf to the competent air-force authority he may, with the consent of that authority, re-enter upon air-force service for such term as may be specified in the application, being a term ending not earlier than the term for which he enlisted nor later than the expiration of the period of twelve years beginning with the relevant date.

(3) In this section the expression “the relevant date” has the same meaning as in the last foregoing section.

**Re-engagement.** 7.—(1) Where a person in air-force service has completed four years' service from the date of his attestation or (if he enlisted before attaining the minimum age for man's service) the date of his attaining the age of eighteen years, and makes an application in that behalf to the competent air-force authority, he may, with the consent of that authority and on making such a declaration before his commanding officer as may be prescribed, be re-engaged—

- (a) for a further period of air-force service ending twenty-two years after the said date,
- (b) for any shorter period being either a period of air-force service or a period comprising a term of air-force service and a term of service in the reserve; or
- (c) for a further period of air-force service ending on the date on which he attains the age of fifty-five years or any lower age.

(2) In relation to a person who, having been re-engaged, is transferred to the reserve under subsection (1) of the last foregoing section, that subsection shall have effect as if for the reference therein to the term for which he enlisted there were substituted a reference to the term for which he was re-engaged or any shorter term.

(3) In reckoning for the purposes of subsection (1) of this section the period of service completed by any person since the date mentioned in that subsection there shall be included any period so served by him in the reserve and, if before his attestation he has at any time served in air-force service as an officer or airman of the regular air force or the reserve, or the Royal Auxiliary Air Force, any period so served by him before his attestation other than—

- (a) any period served while undergoing training as an officer or airman of the reserve or the Royal Auxiliary Air Force,
- (b) any period served before attaining the age of eighteen years in service in the regular air force as an apprentice or a boy entrant.

*Extension of service*

PART I  
—cont.  
Continuance in  
service after  
term of  
re-engagement.

8.—(1) An airman of the regular air force who has been re-engaged under the last foregoing section may, at any time during the last twelve months of the period for which he has been so re-engaged, give notice to his commanding officer of his desire to continue in air-force service after the end of that period; and, if the competent air-force authority consent he may, after the end of that period, be continued as an airman of the regular air force in all respects (subject to the next following subsection) as if his term of service were still unexpired.

(2) Where a person is continued in service under this section sections five and six of this Act shall not apply to him but he may claim his discharge at the expiration of any period of three months beginning with the date on which he gives to his commanding officer notice of his wish to be discharged.

9.—(1) Where at the time at which apart from this section an airman of the regular air force would be entitled to be discharged, or would fall to be transferred to the reserve, a state of war exists between Her Majesty and any foreign power, or men of the reserve are called out on permanent service, or he is serving outside the United Kingdom, he may be retained in air-force service for such period as is hereinafter mentioned and his service may be prolonged accordingly.

Postponement  
in certain cases  
of discharge or  
transfer to the  
reserve.

(2) No person shall be retained in air-force service by virtue of this section later than the expiration of twelve months after the date on which apart from this section he would be entitled to be discharged.

(3) Subject to the provisions of the last foregoing subsection, a person who apart from this section would be entitled to be discharged may be retained in air-force service for such period as the competent air-force authority may order.

(4) Subject as aforesaid, a person who apart from this section would fall to be transferred to the reserve may be retained in air-force service for such period, ending not later than twelve months after the date on which apart from this section he would fall to be transferred to the reserve, as the competent air-force authority may order or for any period or further period during which men of the reserve continue called out on permanent service.

(5) If while an airman is being retained in air-force service by virtue of this section it appears to the competent air-force authority that his services can be dispensed with, he shall be entitled to be discharged or transferred to the reserve as the case may require.

(6) Where, at the time at which under the foregoing provisions of this section an airman is entitled to be discharged or transferred to the reserve, a state of war exists between Her Majesty

PART I  
—cont.

and any foreign power, he may, by declaration made in the prescribed form before his commanding officer, agree to continue in air-force service while such a state of war exists; and if the competent air-force authority approve he may continue accordingly as if the period for which his term of service could be prolonged under the foregoing provisions of this section were a period continuing so long as a state of war exists:

Provided that if it is so specified in the declaration he shall be entitled to be discharged or transferred to the reserve, as the case may require, at the expiration of three months' notice given by him to his commanding officer.

(7) In relation to airmen serving outside the United Kingdom, references in this section to being entitled to be transferred to the reserve shall be construed as references to being entitled to be sent to the United Kingdom with all convenient speed for the purpose of being transferred to the reserve.

Continuation  
of air-force  
service in  
imminent  
national  
danger.

10.—(1) In the case of imminent national danger or of great emergency Her Majesty in Council may by proclamation order that airmen who would otherwise fall to be transferred to the reserve shall continue in air-force service; and thereupon the last foregoing section shall apply to such airmen as it applies while men of the reserve are called out on permanent service.

(2) Any such proclamation may enable the Air Council from time to time to give, and when given to revoke or vary, such directions as may seem to them necessary or expedient for causing all or any of the airmen mentioned in the proclamation to continue in air-force service.

(3) The danger or emergency which is the occasion of a proclamation under this section shall, if Parliament is then sitting, be communicated to Parliament before the proclamation is issued, and shall if Parliament is not then sitting be declared in the proclamation.

*Discharge and transfer to reserve*

Discharge.

11.—(1) Save as hereinafter provided every airman of the regular air force, upon becoming entitled to be discharged, shall be discharged with all convenient speed but until discharged shall remain subject to air-force law.

(2) Where an airman of the regular air force enlisted in the United Kingdom is, when entitled to be discharged, serving out of the United Kingdom then—

(a) if he requires to be discharged in the United Kingdom, he shall be sent there free of cost with all convenient speed and shall be discharged on his arrival there or, if he consents to his discharge being delayed, within six months from his arrival; but

(b) if at his request he is discharged at the place where he is serving he shall have no claim to be sent to the United Kingdom or elsewhere.

PART I  
—cont.

(3) Except in pursuance of the sentence of a court-martial (whether under this Act, the Naval Discipline Act or the Army Act, 1955), an airman of the regular air force shall not be discharged unless his discharge has been authorised by order of the competent air-force authority or by authority direct from Her Majesty; and in any case the discharge of an airman of the regular air force shall be carried out in accordance with Queen's Regulations.

(4) Every airman of the regular air force shall on his discharge be given a certificate of discharge containing such particulars as may be prescribed.

(5) An airman of the regular air force who is discharged in the United Kingdom shall be entitled to be conveyed free of cost from the place where he is discharged to the place stated in his attestation paper to be the place where he was attested or to any place at which he intends to reside and to which he can be conveyed with no greater cost.

12.—(1) Every airman of the regular air force upon falling to be transferred to the reserve shall be transferred to the reserve but until so transferred shall remain subject to air-force law. Transfer to the reserve.

(2) Where an airman of the regular air force, when falling to be transferred to the reserve, is serving out of the United Kingdom, he shall be sent to the United Kingdom free of cost with all convenient speed and shall be transferred to the reserve on his arrival there, or if he consents to his transfer being delayed, within six months from his arrival:

Provided that if he so requests he may be transferred to the reserve without being required to return to the United Kingdom.

(3) An airman who is transferred to the reserve in the United Kingdom shall be entitled to be conveyed free of cost from the place where he is transferred to the place stated in his attestation paper to be the place where he was attested or to any place at which he intends to reside and to which he can be conveyed with no greater cost:

Provided that he shall not be entitled to be conveyed to any place outside the United Kingdom.

13.—(1) Notwithstanding anything in this Part of this Act, an airman of the regular air force shall not be entitled to be discharged or transferred to the reserve at a time when he has become liable, as a person subject to air-force law, the Naval Discipline Act or military law, to be proceeded against for an Postponement of discharge or transfer pending proceedings for offences.

PART I  
—cont.

offence against any of the provisions of this Act, the Naval Discipline Act or the Army Act, 1955:

Provided that if it is determined that the offence shall not be tried by court-martial this subsection shall cease to apply.

(2) Notwithstanding anything in this Part of this Act, an airman of the regular air force who is outside the United Kingdom and serving a sentence of imprisonment or detention awarded by a court-martial under this Act, the Naval Discipline Act or the Army Act, 1955, shall not be entitled to be discharged or transferred to the reserve during the currency of the sentence.

Right of recruit to purchase discharge.

14.—(1) A recruit shall be entitled to claim his discharge at any time within three months after the date of his attestation, and if he makes such a claim he shall on payment of a sum not exceeding twenty pounds be discharged with all convenient speed:

Provided that if the claim is made at a time when airmen are required by a proclamation under section ten of this Act to continue in air-force service, he shall not be entitled to be discharged so long as they are so required to continue in air-force service.

(2) In this section the expression “recruit” means a person enlisted in accordance with the provisions of this Part of this Act who has not been previously so enlisted.

Right of warrant officer to discharge on reduction to ranks.

15. A warrant officer of the regular air force who is reduced to the ranks may thereupon claim to be discharged unless a state of war exists between Her Majesty and any foreign power or men of the reserve are called out on permanent service.

Discharge of airmen of unsound mind.

16.—(1) Where it appears to the Air Council or any officer deputed by them that an airman of the regular air force is—

- (a) a dangerous person of unsound mind; or
- (b) a person of unsound mind requiring treatment in a mental hospital and having no relative who claims to take charge of him; or
- (c) a person of unsound mind having no relative willing to take charge of him,

the Air Council or officer deputed by them may if they or he think proper cause the airman on his discharge to be received in a mental hospital in accordance with the following provisions of this section.

(2) Where the airman has a home in Great Britain, the Regional Hospital Board for the area in which his home is situated shall, on request made by the Air Council or officer deputed by them, forthwith designate a mental hospital in their area, and the Air Council or officer shall by order direct that the airman shall be received into that hospital.

## (3) Where the airman has a home in Northern Ireland—

PART I  
—cont.

- (a) the secretary or other officer of the Northern Ireland Hospitals Authority shall, on request made by the Air Council or officer deputed by them, forthwith designate a mental hospital in Northern Ireland, and the Air Council or officer deputed by them shall by order direct that the airman shall be received into that hospital; and
- (b) the Air Council or officer deputed by them shall, if the case so requires, inform the welfare authority and that authority shall take such steps as may in their opinion be necessary to secure the welfare of the wife and children of the airman.

(4) An order made under subsection (2) of this section shall have the like effect, and the like proceedings shall be taken thereon, as if it were an order made under section sixteen of the Lunacy Act, 1890, or in Scotland an order of the sheriff made under section fourteen, or in the case of an airman being a dangerous person of unsound mind, section fifteen, of the Lunacy (Scotland) Act, 1862; and an order under paragraph (a) of subsection (3) of this section shall have the like effect, and the like proceedings shall be taken thereon, as if it were an order made by a judicial authority under section ten of the Mental Health Act (Northern Ireland), 1948.

(5) Any question arising under this section whether, and if so where, a person has a home in Great Britain or Northern Ireland shall be decided by the Air Council or an officer deputed by them, and for the purposes of this section a person with no home in Great Britain or Northern Ireland may be treated as if he had a home in such area as may be determined by the Air Council or an officer deputed by them.

*Miscellaneous and supplementary provisions*

17.—(1) Where an airman of the regular air force is convicted of desertion by court-martial, the period of his service as respects which he is convicted of having been a deserter shall be forfeited.

Forfeiture of service for desertion and restoration of forfeited service.

(2) Where any of an airman's service is forfeited the provisions of this Part of this Act (except those relating to discharge by purchase) shall apply to him, and he shall be liable to serve, in like manner as if the appropriate date were the date of his attestation and he had, on the appropriate date, been duly enlisted to serve for the like term (both as respects duration and as respects liability to air-force service and any liability to serve in the reserve) as that for which he was in fact serving at the date of his conviction:

Provided that where at the date of his conviction the airman was serving a term ending with the expiration of a period beginning with the date of his attaining the age of eighteen years and

**PART I**  
—*cont.*

he had attained that age when he was convicted (whether or not he had attained it when the offence was committed) the duration of the term for which he is liable to serve shall be equal to that period and the time for which he is required to serve in air-force service shall be reduced accordingly.

(3) In the last foregoing subsection the expression “ the appropriate date ”—

- (a) if in consequence of subsection (1) of this section and an award of the court-martial under Part II of this Act the whole of his previous service is forfeited, means the date of his conviction ;
- (b) if in consequence of the said subsection (1) or that subsection and an award of the court-martial part only of his previous service is forfeited, means a date earlier than the date of his conviction by the length of service not forfeited.

(4) The Air Council may by regulations make provision for the restoration in whole or in part of any forfeited service to an airman in consideration of good service or on other grounds justifying the restoration ; and any service restored to an airman under this subsection shall be credited to him for the purpose of determining for the purposes of this Act the amount of service, air-force service, or service in the reserve, as the case may require, which he has served or is liable to serve.

(5) Nothing in this section shall require a person who has been re-engaged under section seven of this Act for a period ending on the date on which he attains a specified age to serve for any period after that date.

**Validity of  
attestation and  
enlistment.**

**18.—**(1) Where a person has signed the declaration required by the First Schedule to this Act, and has thereafter received pay as an airman of the regular air force,—

- (a) the validity of his enlistment shall not be called in question on the ground of any error or omission in his attestation paper ;
- (b) if within three months from the date on which he signed the said declaration he claims that his enlistment is invalid by reason of any non-compliance with the requirements of this Act as to enlistment or attestation, or any other ground whatsoever (not being an error or omission in his attestation paper) on which apart from this subsection the validity of his enlistment could have been called in question, the claim shall be submitted as soon as may be to the Air Council, and if the claim is well founded the Air Council shall cause him to be discharged with all convenient speed ;



- (c) subject to the provisions of the last foregoing paragraph, he shall be deemed as from the expiration of the said three months to have been validly enlisted notwithstanding any such non-compliance or other grounds as aforesaid ;
- (d) notwithstanding any such non-compliance or other grounds as aforesaid, or the making of a claim in pursuance of paragraph (b) of this subsection, he shall be deemed to be an airman of the regular air force until his discharge.

PART I  
—cont.

In the case of a person who when he signed the said declaration had not attained the minimum age for man's service, paragraph (b) of this subsection shall have effect as if for the words "he claims" there were substituted the words "he, or any person whose consent to the enlistment was required under subsection (3) of section two of this Act but who did not duly consent, claims".

(2) Where a person has received pay as an airman of the regular air force without having previously signed the declaration required by the First Schedule to this Act, then—

- (a) he shall be deemed to be an airman of the regular air force until discharged ;
- (b) he may claim his discharge at any time, and if he does so the claim shall be submitted as soon as may be to the Air Council, who shall cause him to be discharged with all convenient speed.

(3) Nothing in the foregoing provisions of this section shall be construed as prejudicing the determination of any question as to the term for which a person was enlisted or as preventing the discharge of a person who has not claimed his discharge.

19.—(1) If a person appearing before a recruiting officer for the purpose of being attested knowingly makes a false answer to any question contained in the attestation paper and put to him by or by the direction of the recruiting officer, he shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding twenty pounds.

False answers in attestation paper.

(2) For the avoidance of doubt it is hereby declared that a person may be proceeded against under this section notwithstanding that he has since become subject to air-force law.

20.—(1) The following provisions of this Part of this Act shall not apply to persons enlisted in pursuance of the National Service Act, 1948, that is to say, sections four to six, section thirteen, section seventeen and subsection (2) of section eighteen ; and section nine of this Act shall not apply to such persons by reason only that they are serving outside the United Kingdom.

Special provisions as to National Service men.

**PART I**  
—*cont.*

(2) Where a person enlisted in pursuance of the National Service Act, 1948, having been discharged from that enlistment before the end of his term of whole-time service under that Act for the purpose of entering on a regular engagement, enters on such an engagement at a time when he has not attained the age of twenty-one, the competent air-force authority shall give to the said person's next of kin a notification in the prescribed form stating that the said person has volunteered for a regular engagement and explaining the effect of the next following subsection.

(3) Within twenty-eight days of the giving of a notification under the last foregoing subsection, any person entitled under the provisions of the Second Schedule to this Act to object to the said engagement may object thereto by notice in writing given to the prescribed air-force authority; and if such an objection is duly made the person to whom the objection relates shall be deemed not to have been discharged from his enlistment in pursuance of the National Service Act, 1948, or to have entered on the said regular engagement, but to have continued to serve under that enlistment.

(4) Any notification or notice under this section may be given by post.

(5) In this section the expression "next of kin", in relation to any person, means the person recorded as his next of kin in pursuance of the requirements as to records applying to airmen of the regular air force, and references to entry on a regular engagement are references to being enlisted for any such term as is mentioned in paragraph (a) of subsection (2) of section four of this Act.

**Service of  
aliens in  
regular air  
force.**

**21.**—(1) Subject to the provisions of the two next following subsections the number of aliens who at any one time are serving (whether as officers or airmen) in the regular air force shall not exceed one-fiftieth of the aggregate number at that time of that force.

(2) In reckoning the number of aliens serving as aforesaid there shall be excluded persons enlisted outside the United Kingdom and serving in such units (if any) as may be prescribed, and officers serving in such units.

(3) The Air Council may by regulations provide that at any time at which a state of war exists between Her Majesty and any foreign power or while men of the reserve are called out on permanent service subsection (1) of this section shall have effect with the substitution for one-fiftieth of such other fraction as may be specified in the regulations.

(4) Nothing in section three of the Act of Settlement (which provides among other things that aliens are incapable of holding certain offices or places of trust) shall apply to an office or place of trust in the regular air force so long as the limit having effect under the foregoing provisions of this section is not exceeded.

(5) The Air Council may by regulations provide that in such cases as may be prescribed by the regulations it shall not be necessary to administer the oath of allegiance to an alien on his enlistment; and in relation to cases so prescribed this Act shall have effect with the omission of references to the administration and taking of the oath of allegiance.

PART I  
—cont.

22. The Air Council may make such regulations as appear to them necessary or expedient for the purposes of, or in connection with, the enlistment of recruits for the regular air force and generally for carrying this Part of this Act into effect.

Regulations as to enlistment.

23.—(1) In this Part of this Act:—

Interpretation of Part I.

“competent air-force authority” means the Air Council or any prescribed officer;

“date of attestation”, in relation to any person, means the date on which he signs the declaration and takes the oath mentioned in paragraph 3 of the First Schedule to this Act;

“minimum age for man’s service” has the meaning assigned to it by subsection (5) of section two of this Act;

“prescribed” means prescribed by regulations made under this Part of this Act;

“recruiting officer” has the meaning assigned to it by section one of this Act;

“reserve” means the air force reserve.

(2) References in this Part of this Act to airmen shall include references to warrant officers and to non-commissioned officers.

## PART II

### DISCIPLINE AND TRIAL AND PUNISHMENT OF AIR-FORCE OFFENCES

*Treachery, cowardice and offences arising out of air-force service*

24.—(1) Any person subject to air-force law who with intent to assist the enemy—

Aiding the enemy.

(a) abandons or delivers up any place or post which it is his duty to defend, or induces any person to abandon or deliver up any place or post which it is that person’s duty to defend, or

(b) does any act calculated to imperil the success of operations of Her Majesty’s forces, of any forces co-operating therewith or of any part of any of those forces, or

(c) having been made a prisoner of war, serves with or aids the enemy in the prosecution of hostilities or of measures calculated to influence morale, or in any

PART II  
—cont.

- other manner whatsoever not authorised by international usage, or
- (d) furnishes the enemy with arms or ammunition or with supplies of any description, or
  - (e) harbours or protects an enemy not being a prisoner of war, or
  - (f) gives any false air signal or alters or interferes with any air signal or any apparatus for giving an air signal, or
  - (g) when ordered by his superior officer, or otherwise under orders, to carry out any warlike operations in the air fails to use his utmost exertions to carry such orders into effect, or
  - (h) causes the capture or destruction by the enemy of any of Her Majesty's aircraft,

shall, on conviction by court-martial, be liable to suffer death or any other punishment provided by this Act.

(2) Any person subject to air-force law who knowingly and without lawful excuse does any of the acts specified in paragraphs (a) to (g) of the last foregoing subsection shall, where it is not proved that he acted with intent to assist the enemy, be liable on conviction by court-martial to imprisonment or any less punishment provided by this Act.

(3) Any person subject to air-force law who negligently causes the capture or destruction by the enemy of any of Her Majesty's aircraft shall, on conviction by court-martial, be liable to imprisonment or any less punishment provided by this Act.

## Communication with the enemy.

25.—(1) Any person subject to air-force law who with intent to assist the enemy communicates with or gives intelligence to the enemy shall, on conviction by court-martial, be liable to suffer death or any other punishment provided by this Act.

(2) Any person subject to air-force law who without authority communicates with or gives intelligence to the enemy shall, on conviction by court-martial, be liable to imprisonment or any less punishment provided by this Act.

(3) In this section the expression "intelligence" means information which is or purports to be information as to any matter such that information about it would or might be directly or indirectly useful to an enemy, and in particular (but without prejudice to the generality of the foregoing provisions of this subsection) as to any matter falling within the following paragraphs, being a matter such that information as to it would or might be useful as aforesaid, that is to say:—

- (a) the number, description, armament, equipment, disposition, movement or condition of any of Her Majesty's forces or of any forces co-operating therewith, or any of Her Majesty's ships or aircraft or of the ships or aircraft of any such co-operating force;

- (b) any operations or projected operations of any of such forces, ships or aircraft as aforesaid ;
- (c) any code, cipher, call sign, password or countersign ;
- (d) any measures for the defence or fortification of any place on behalf of Her Majesty ;
- (e) the number, description or location of any prisoners of war ;
- (f) munitions of war.

PART II  
—cont.

**26.**—(1) Any person subject to air-force law who when before the enemy— Cowardly behaviour.

- (a) leaves the post, position or other place where it is his duty to be, or
- (b) throws away his arms, ammunition or tools, or
- (c) does any of the acts specified in paragraphs (f) to (h) of subsection (1) of section twenty-four of this Act,

in such a manner as to show cowardice, or otherwise behaves in such a manner as to show cowardice, shall be guilty of an offence against this section.

(2) Any person subject to air-force law who when before the enemy induces other persons subject to air-force law and before the enemy to commit an offence under the last foregoing subsection shall be guilty of an offence against this section.

(3) Any person guilty of an offence against this section shall, on conviction by court-martial, be liable to imprisonment or any less punishment provided by this Act.

**27.** Any person subject to air-force law who—

- (a) spreads (whether orally, in writing, by signal, or otherwise) reports relating to operations of Her Majesty's forces, of any forces co-operating therewith, or of any part of any of those forces, being reports calculated to create despondency or unnecessary alarm, or
- (b) when before the enemy uses words calculated to create despondency or unnecessary alarm,

Offences  
against morale.

shall, on conviction by court-martial, be liable to imprisonment or any less punishment provided by this Act.

**28.**—(1) Any person subject to air-force law who, through disobedience to orders or wilful neglect of his duty, is captured by the enemy shall be guilty of an offence against this section. Becoming prisoner of war through disobedience or wilful neglect; and failure to rejoin forces.

(2) Any person subject to air-force law who, having been captured by the enemy, fails to take, or prevents or discourages any other such person captured by the enemy from taking, any reasonable steps to rejoin Her Majesty's service which are available to him or, as the case may be, to that other person shall be guilty of an offence against this section.

PART II  
—*cont.*

(3) Any person guilty of an offence against this section shall, on conviction by court-martial, be liable to imprisonment or any less punishment provided by this Act.

Offences by or  
in relation to  
sentries, etc.

**29.**—(1) Any person subject to air-force law who while on guard duty—

- (a) sleeps at his post, or
- (b) when not on duty at a post, is asleep at a time when he is not allowed to be asleep, or
- (c) is drunk, or
- (d) leaves his post without having been regularly relieved or otherwise absents himself from any place where it is his duty to be,

shall be guilty of an offence against this section.

(2) For the purposes of this section a person shall be treated as being drunk if owing to the influence of alcohol or any drug, whether alone or in combination with any other circumstances, he is unfit to be entrusted with his duty.

(3) Any person subject to air-force law who strikes or otherwise uses force against any person on guard duty, being a member of any of Her Majesty's forces or of any forces co-operating therewith, or by the threat of force compels any such person to let him or any other person pass, shall be guilty of an offence against this section.

(4) Any person guilty of an offence against this section shall, on conviction by court-martial, be liable to imprisonment or any less punishment provided by this Act:

Provided that if the offence was not committed on active service he shall not be liable to be imprisoned for more than two years.

(5) References in this section to a person on guard duty are references to a person who—

- (a) is posted or ordered to patrol, or
- (b) is a member of a guard or other party mounted or ordered to patrol,

for the purpose of protecting any persons, premises or place.

(6) The foregoing provisions of this section shall apply in relation to persons posted or ordered to patrol, or members of a party mounted or ordered to patrol, for the purpose of preventing or controlling access to or egress from any premises or place, or of regulating traffic by road, by rail or on any inland navigation, as they apply to persons on guard duty.

**30.** Any person subject to air-force law who—

PART II  
—cont.

- (a) steals from, or with intent to steal searches, the person of anyone killed or wounded in the course of warlike operations, or
- (b) steals any property which has been left exposed or unprotected in consequence of warlike operations, or
- (c) takes otherwise than for the public service any vehicle, equipment or stores abandoned by the enemy,

Looting.

shall be guilty of looting and liable, on conviction by court-martial, to imprisonment or any less punishment provided by this Act.

*Mutiny and insubordination*

**31.—(1)** Any person subject to air-force law who—

Mutiny.

- (a) takes part in a mutiny involving the use of violence or the threat of the use of violence, or having as its object or one of its objects the refusal or avoidance of any duty or service against, or in connection with operations against, the enemy, or the impeding of the performance of any such duty or service, or
- (b) incites any person subject to service law to take part in such a mutiny, whether actual or intended,

shall, on conviction by court-martial, be liable to suffer death or any other punishment provided by this Act.

(2) Any person subject to air-force law who, in a case not falling within the last foregoing subsection, takes part in a mutiny, or incites any person subject to service law to take part in a mutiny, whether actual or intended, shall, on conviction by court-martial, be liable to imprisonment or any less punishment provided by this Act.

(3) In this Act the expression “mutiny” means a combination between two or more persons subject to service law, or between persons two at least of whom are subject to service law—

- (a) to overthrow or resist lawful authority in Her Majesty’s forces or any forces co-operating therewith or in any part of any of the said forces,
- (b) to disobey such authority in such circumstances as to make the disobedience subversive of discipline, or with the object of avoiding any duty or service against, or in connection with operations against, the enemy, or
- (c) to impede the performance of any duty or service in Her Majesty’s forces or in any forces co-operating therewith or in any part of any of the said forces ;

and in this section the expression “service law” means air-force law, the Naval Discipline Act or military law.

**PART II**  
—*cont.*

Failure to  
suppress  
mutiny.

**32.** Any person subject to air-force law who, knowing that a mutiny is taking place or is intended,—

- (a) fails to use his utmost endeavours to suppress or prevent it, or
- (b) fails to report without delay that the mutiny is taking place or is intended,

shall on conviction by court-martial,—

- (i) if his offence was committed with intent to assist the enemy, be liable to suffer death or any other punishment provided by this Act,
- (ii) in any other case, be liable to imprisonment or any less punishment provided by this Act.

Insubordinate  
behaviour.

**33.—**(1) Any person subject to air-force law who—

- (a) strikes or otherwise uses violence to, or offers violence to, his superior officer, or
- (b) uses threatening or insubordinate language to his superior officer,

shall, on conviction by court-martial, be liable to imprisonment or any less punishment provided by this Act:

Provided that he shall not be liable to be imprisoned for more than two years if the offence was not committed on active service and did not involve the striking or other use of violence, or offering of violence, to a superior officer exercising authority as such.

(2) In the foregoing provisions of this section the expression “superior officer”, in relation to any person, means an officer, warrant officer or non-commissioned officer of the regular air force of superior rank, and includes an officer, warrant officer or non-commissioned officer of that force of equal rank but greater seniority while exercising authority as the said person’s superior.

Disobedience  
to particular  
orders.

**34.—**(1) Any person subject to air-force law who, in such manner as to show a wilful defiance of authority, disobeys any lawful command given or sent to him personally shall, on conviction by court-martial, be liable to imprisonment or any less punishment provided by this Act.

(2) Any person subject to air-force law who, whether wilfully or through neglect, disobeys any lawful command shall, on conviction by court-martial, be liable to imprisonment or any less punishment provided by this Act:

Provided that if the offence was not committed on active service he shall not be liable to be imprisoned for more than two years.



**35.** Any person subject to air-force law who—

- (a) obstructs, or
- (b) when called on, refuses to assist,

any person known to him to be a provost officer, or to be a person (whether subject to air-force law or not) legally exercising authority under or on behalf of a provost officer, shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

PART II  
—cont.  
Obstruction of  
provost officers.

**36.**—(1) Any person subject to air-force law who contravenes or fails to comply with any provision of orders to which this section applies, being a provision known to him, or which he might reasonably be expected to know, shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

Disobedience  
to standing  
orders.

(2) This section applies to standing orders or other routine orders of a continuing nature made for any formation or unit or body of the air force, or for any command or other area, garrison or place, or for any ship, train or aircraft.

*Desertion, absence without leave, etc.*

**37.**—(1) Any person subject to air-force law who—

Desertion.

- (a) deserts, or
- (b) persuades or procures any person subject to air-force law to desert,

shall, on conviction by court-martial, be liable to imprisonment or any less punishment provided by this Act:

Provided that a person shall not be liable to be imprisoned for more than two years unless—

- (i) if the offence was against paragraph (a) of this subsection, he was on active service or under orders for active service at the time when it was committed,
- (ii) if the offence was an offence against paragraph (b) of this subsection, the person in relation to whom it was committed was on active service or under orders for active service at that time.

(2) For the purposes of this Act a person deserts who—

- (a) leaves Her Majesty's service or, when it is his duty to do so, fails to join or rejoin Her Majesty's service, with (in either case) the intention, subsisting at the time of the leaving or failure or formed thereafter, of remaining permanently absent from his duty, or

PART II  
—cont.

- (b) being an officer enlists in or enters any of Her Majesty's forces without having resigned his commission, or being a warrant officer, non-commissioned officer or airman enlists in or enters any of Her Majesty's forces without having been discharged from his previous enlistment, or
- (c) absents himself without leave with intent to avoid serving at any place overseas or to avoid service or any particular service when before the enemy,

and references in this Act to desertion shall be construed accordingly.

(3) In addition to or in lieu of any punishment authorised by subsection (1) of this section, the court-martial by whom a warrant officer, non-commissioned officer or airman of the regular air force is convicted of desertion may direct that the whole or any part of his service previous to the period as respects which he is convicted of having been a deserter shall be forfeited:

Provided that this subsection shall not apply to a person enlisted in pursuance of the National Service Act, 1948.

Absence  
without leave.

38. Any person subject to air-force law who—

- (a) absents himself without leave, or
- (b) persuades or procures any person subject to air-force law to absent himself without leave,

shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

Assisting and  
concealing  
desertion and  
absence  
without leave.

39. Any person subject to air-force law who—

- (a) knowingly assists any person subject to air-force law to desert or absent himself without leave, or
- (b) knowing that any person subject to air-force law has deserted or absented himself without leave, or is attempting to desert or absent himself without leave, fails to report that fact without delay, or fails to take any steps in his power to cause that person to be apprehended,

shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

Falsely  
obtaining or  
prolonging  
leave.

40. Any person subject to air-force law who for the purpose of obtaining leave or prolonging his leave knowingly makes any false statement to any air-force authority, to a member of any police force or to any person authorised by or under instructions of the Air Council to act for the purpose of obtaining prolongation of leave shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

**41.** Any person subject to air-force law who without reasonable excuse fails to attend for any parade or other air-force duty of any description or leaves any such parade or duty as aforesaid before he is permitted to do so shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

PART II  
—cont.

Failure to perform air-force duties.

*Malingering and drunkenness*

**42.—(1)** Any person subject to air-force law who—

Malingering.

- (a) falsely pretends to be suffering from sickness or disability, or
- (b) injures himself with intent thereby to render himself unfit for service, or causes himself to be injured by any person with that intent, or
- (c) injures another person subject to air-force law at the instance of that person, with intent thereby to render that person unfit for service, or
- (d) with intent to render or keep himself unfit for service, does or fails to do any thing (whether at the time of the act or omission he is in hospital or not) whereby he produces, or prolongs or aggravates, any sickness or disability,

shall be guilty of malingering and shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

(2) In this section the expression “unfit” includes temporarily unfit.

**43.—(1)** Any person subject to air-force law who is guilty of drunkenness, whether on duty or not, shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act and, in the case of a warrant officer, non-commissioned officer or airman, either in addition to or without any other punishment to pay a fine not exceeding five pounds:

Provided that where the offence is committed by a warrant officer, non-commissioned officer or airman neither on active service nor on duty the sentence imposed shall not exceed detention for a period of six months with or without a fine.

(2) For the purposes of this section a person is guilty of drunkenness if owing to the influence of alcohol or any drug, whether alone or in combination with any other circumstances, he is unfit to be entrusted with his duty or with any duty which he may be called upon to perform, or behaves in a disorderly manner or in any manner likely to bring discredit on Her Majesty's service.

PART II  
—cont.

Offences in  
relation to  
public and  
service  
property.

*Offences relating to property*

44.—(1) Any person subject to air-force law who—

- (a) steals or fraudulently misapplies any public or service property, or is concerned in or connives at the stealing or fraudulent misapplication of any public or service property, or
- (b) receives any public or service property knowing it to have been stolen or to have been fraudulently misapplied, or
- (c) wilfully damages, or is concerned in the wilful damage of, any public or service property, or
- (d) by wilful neglect causes damage by fire to any public or service property,

shall, on conviction by court-martial, be liable to imprisonment or any less punishment provided by this Act.

(2) Without prejudice to the generality of the foregoing provisions of this section, any person subject to air-force law who—

- (a) wilfully damages, or is concerned in the wilful damage of, any of Her Majesty's aircraft or aircraft material, or
- (b) by wilful neglect causes the damage or loss of any of Her Majesty's aircraft or aircraft material, or
- (c) without lawful authority disposes of any of Her Majesty's aircraft or aircraft material,

shall, on conviction by court-martial, be liable to imprisonment or any less punishment provided by this Act.

(3) Any person subject to air-force law who during a state of war wilfully and without proper occasion or negligently causes the sequestration by or under the authority of a neutral state or the destruction in a neutral state of any of Her Majesty's aircraft shall, on conviction by court-martial, be liable to imprisonment or any less punishment provided by this Act :

Provided that if he has not acted wilfully or with wilful neglect he shall not be liable to imprisonment for a term exceeding two years.

Offences in  
relation to  
property of  
members of  
forces.

45. Any person subject to air-force law who—

- (a) steals or fraudulently misapplies any property belonging to a person subject to air-force law, or is concerned in or connives at the stealing or fraudulent misapplication of any such property, or
- (b) receives any such property knowing it to have been stolen or to have been fraudulently misapplied, or
- (c) wilfully damages, or is concerned in the wilful damage of, any property belonging to a person subject to air-force law,

shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

**46. Any person subject to air-force law who—**

**PART II**

—cont.

- (a) loses, or by negligence damages, any public or service property of which he has the charge or which has been entrusted to his care or which forms part of property of which he has the charge or which has been entrusted to his care, or
- (b) by negligence loses or damages any of Her Majesty's aircraft or aircraft material, or
- (c) is guilty of any act or neglect likely to cause damage to or the loss of any of Her Majesty's aircraft or aircraft material, or
- (d) by negligence causes damage by fire to any public or service property, or
- (e) loses, or by negligence damages, any clothing, arms, ammunition or other equipment issued to him for his use for air-force purposes, or
- (f) fails to take proper care of any animal or bird used in the public service which is in his charge, or
- (g) makes away (whether by pawning, selling, destruction or in any other way) with any air-force, naval or military decoration granted to him or any clothing, arms, ammunition or other equipment issued to him for his use for air-force purposes,

shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act:

Provided that it shall be a defence for any person charged under this section with losing any property, clothing, arms, ammunition or other equipment that he took reasonable steps for the care and preservation thereof.

*Offences relating to billeting and requisitioning of vehicles*

**47. Any person subject to air-force law who—**

**Billeting offences.**

- (a) knowing that no billeting requisition is in force under Part IV of this Act authorising him to demand any billets or that he is otherwise not authorised to demand them, obtains those billets or orders or procures another person to obtain them ;
- (b) takes or agrees to take, or demands, from a person on whom he or any other person or any vehicle is or is to be billeted in pursuance of a billeting requisition under Part IV of this Act any money or thing as consideration for not requiring, or ceasing to require, accommodation for himself or the said other person or standing room for the vehicle ; or

PART II  
—cont.

- (c) commits any offence against the person or property of the occupier of premises in which he is billeted in pursuance of a billeting requisition under Part IV of this Act or of any other person being in those premises, or against any other property in those premises, or wilfully or by wilful neglect damages those premises or any such property as aforesaid,

shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

Offences in  
relation to  
requisitioning  
of vehicles.

48.—(1) Any person subject to air-force law who—

- (a) knowing that no requisitioning order is in force under Part IV of this Act authorising him to give directions for the provision of any vehicle, or that he is otherwise not authorised to give such directions, gives directions for the provision of the vehicle or orders or procures another person to give such directions, or
- (b) in purported exercise of powers conferred by a requisitioning order under Part IV of this Act takes, or orders or procures any other person to take, possession of a vehicle, knowing that no requisitioning order is in force under the said Part IV under which the taking possession of the vehicle could be authorised, or that the taking possession thereof is otherwise not authorised under such an order, or
- (c) takes or agrees to take, or demands, from any person any money or thing as consideration for directions, or any particular directions, for the provision of a vehicle not being given, or possession of a vehicle not being taken, or not being retained, under a requisitioning order under Part IV of this Act,

shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

(2) The last foregoing subsection shall apply in relation to aircraft and stores (within the meaning of Part IV of this Act) as it applies in relation to vehicles.

*Flying etc. offences*Dangerous  
flying, etc.

49. Any person subject to air-force law who is guilty of any act or neglect in flying, or in the use of any aircraft, or in relation to any aircraft or aircraft material, which causes or is likely to cause loss of life or bodily injury to any person shall, on conviction by court-martial, be liable to imprisonment or any less punishment provided by this Act:

Provided that if the offender has not acted wilfully or with wilful neglect he shall not be liable to be imprisoned for more than two years.

**50.** Any person subject to air-force law who signs any certificate in relation to an aircraft or to aircraft material without ensuring the accuracy of the certificate shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

PART II  
—cont.

Inaccurate  
certification of  
aircraft, etc.

**51.** Any person subject to air-force law who, being the pilot of one of Her Majesty's aircraft, flies it at a height less than such height as may be provided by any regulations issued under the authority of the Air Council, the Admiralty, or the Army Council, except—

Low flying.

(a) while taking off or alighting, or

(b) in such other circumstances as may be so provided,

shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

**52.** Any person subject to air-force law who, being the pilot of one of Her Majesty's aircraft, flies it so as to cause, or to be likely to cause, unnecessary annoyance to any person shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

Annoyance  
by flying.

*Offences relating to, and by, persons in custody*

**53.**—(1) Any person subject to air-force law who, when another person subject thereto is under arrest,—

Irregular  
arrest and  
confinement.

(a) unnecessarily delays the taking of such steps as it is his duty to take for investigating the allegations against that other person or for having the allegations against that other person investigated by his commanding officer or the appropriate superior authority or, as the case may be, tried by court-martial; or

(b) fails to release, or effect the release of, that other person when it is his duty to do so,

shall be guilty of an offence against this section.

(2) Any person subject to air-force law who, having committed a person (hereinafter referred to as "the prisoner") to the custody of any provost officer or other officer, or any warrant officer or non-commissioned officer, fails without reasonable cause to deliver—

(a) at the time of the committal, or

**PART II**  
—cont.

(b) if it is not practicable so to do at the time of the committal, then within twenty-four hours thereafter, to the person to whose custody the prisoner was committed a report in writing signed by himself of the offence which the prisoner is alleged to have committed, shall be guilty of an offence against this section.

(3) Where any person (hereinafter referred to as "the prisoner") is committed to the charge of a person subject to air-force law who is in command of a guard, then if without reasonable cause that person does not as soon as he is relieved from his guard and any further duty, or, if he is not sooner relieved, within twenty-four hours after the committal, give to the officer to whom it is his duty to report—

(a) a written statement containing, so far as known to him, the prisoner's name and alleged offence and the name and rank or other description of the officer or other person by whom the prisoner is alleged to have committed the offence, and

(b) if he has received it, the report required by the last foregoing subsection,

he shall be guilty of an offence against this section.

(4) Any person guilty of an offence against this section shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

**Permitting  
escape, and  
unlawful  
release of  
prisoners.**

**54.**—(1) Any person subject to air-force law who wilfully allows to escape any person who is committed to his charge, or whom it is his duty to guard, shall, on conviction by court-martial, be liable to imprisonment or any less punishment provided by this Act.

(2) Any person subject to air-force law who—

(a) without proper authority releases any person who is committed to his charge, or

(b) without reasonable excuse allows to escape any person who is committed to his charge, or whom it is his duty to guard,

shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

**Resistance  
to arrest.**

**55.**—(1) Any person subject to air-force law who, being concerned in any quarrel or disorder, refuses to obey any officer who orders him into arrest, or strikes or otherwise uses violence to, or offers violence to, any such officer, shall be guilty of an offence against this section whether or not the officer is his superior officer.



(2) Any person subject to air-force law who strikes or otherwise uses violence to, or offers violence to, any person, whether subject to air-force law or not, whose duty it is to apprehend him or in whose custody he is shall be guilty of an offence against this section.

PART II  
—cont.

(3) Any person guilty of an offence against this section shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

56. Any person subject to air-force law who escapes from arrest, prison or other lawful custody (whether air-force or not), shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act. Escape from confinement.

*Offences in relation to courts-martial and civil authorities*

57.—(1) Any person subject to air-force law who—

Offences in  
relation to  
courts-martial.

- (a) having been duly summoned or ordered to attend as a witness before a court-martial, fails to comply with the summons or order, or
- (b) refuses to swear an oath when duly required by a court-martial to do so, or
- (c) refuses to produce any document in his custody or under his control which a court-martial has lawfully required him to produce, or
- (d) when a witness, refuses to answer any question which a court-martial has lawfully required him to answer, or
- (e) wilfully insults any person, being a member of a court-martial or a witness or any other person whose duty it is to attend on or before the court, while that person is acting as a member thereof or is so attending, or wilfully insults any such person as aforesaid while that person is going to or returning from the proceedings of the court, or
- (f) wilfully interrupts the proceedings of a court-martial or otherwise misbehaves before the court,

shall, on conviction by a court-martial, other than the court in relation to which the offence was committed, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

(2) Notwithstanding anything in the last foregoing subsection, where an offence against paragraph (e) or (f) of that subsection is committed in relation to any court-martial held in pursuance

**PART II**  
—*cont.*

of this Act that court, if of opinion that it is expedient that the offender should be dealt with summarily by the court instead of being brought to trial before another court-martial, may by order under the hand of the president order the offender to be imprisoned for a period not exceeding twenty-one days, or, in the case of a warrant officer, non-commissioned officer or airman, either to be imprisoned for such a period or to undergo detention for such a period.

(3) References in paragraphs (a) to (f) of subsection (1) of this section to a court-martial shall include references to a court-martial held in pursuance of the Naval Discipline Act, the Army Act, 1955, or the law of any colony.

**False evidence.** 58.—(1) Any person subject to air-force law who, having been lawfully sworn as a witness or as an interpreter in proceedings before a court-martial or before any board or person having power by virtue of this Act to administer oaths, makes a statement material in those proceedings which he knows to be false or does not believe to be true shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

(2) A person shall not be liable to be convicted of an offence against this section solely upon the evidence of one witness as to the falsity of any statement alleged to be false.

**Obstruction of constable arresting officer or airman.** 59. Any person subject to air-force law who at any place in Her Majesty's dominions prevents or obstructs—

- (a) the execution by a constable of a warrant for the arrest of a person subject to air-force law who has committed or is suspected of having committed an offence punishable on conviction by a civil court, or
- (b) the arrest of a person subject to air-force law by a constable acting in the exercise of his powers of arrest without warrant,

shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

*Miscellaneous offences*

**Injurious disclosures.**

60.—(1) Any person subject to air-force law who without authority discloses, whether orally, in writing, by signal or by any other means whatsoever, any information which is or purports to be information useful to an enemy shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

(2) In this section the expression “information useful to an enemy” means information as to any matter such that information as to it would or might be directly or indirectly useful to an enemy, and in particular (but without prejudice to the generality of the foregoing provisions of this subsection) information as to any matter falling within the following paragraphs, being a matter such that information as to it would or might be useful as aforesaid, that is to say:—

- (a) the number, description, armament, equipment, disposition, movement or condition of any of Her Majesty’s forces or of any forces co-operating therewith, or any of Her Majesty’s ships or aircraft or of the ships or aircraft of any such co-operating force;
- (b) any operations or projected operations of any of such forces, ships or aircraft as aforesaid;
- (c) any code, cipher, call sign, password or countersign;
- (d) any measures for the defence or fortification of any place on behalf of Her Majesty;
- (e) the number, description or location of any prisoners of war;
- (f) munitions of war.

61. Any person who, when before a recruiting officer for the purpose of being attested in pursuance of Part I of this Act, has knowingly made a false answer to any question contained in the attestation paper and put to him by or by the direction of the recruiting officer shall, if he has since become and remains subject to air-force law, be liable, on conviction by court-martial, to the like imprisonment as on summary conviction of an offence against section nineteen of this Act or to any less punishment provided by this Act.

Making of false statements on enlistment.

62. Any person subject to air-force law who—

- (a) makes, signs or makes an entry in any service report, return, pay list or certificate or other service document, being a document or entry which is to his knowledge false in a material particular, or
- (b) alters any service report, return, pay list or certificate or other service document, or alters any entry in such a document, so that the document or entry is to his knowledge false in a material particular, or suppresses, defaces or makes away with any such document or entry which it is his duty to preserve or produce, or
- (c) with intent to defraud, fails to make an entry in any such document, or

Making of false documents.

**PART II**  
—*cont.*

(d) aids, abets, commands, counsels, procures or connives at the commission by another person subject to air-force law of an offence against this section (whether or not he knows the nature of the document in relation to which that offence will be committed),

shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

**Offences against civilian population.**

**63.** Any person subject to air-force law who, in any country or territory outside the United Kingdom, commits any offence against the person or property of any member of the civil population shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

**Scandalous conduct of officer.**

**64.** Every officer subject to air-force law who behaves in a scandalous manner, unbecoming the character of an officer and a gentleman, shall, on conviction by court-martial, be cashiered.

**Ill-treatment of officers or men of inferior rank.**

**65. If—**

(a) any officer subject to air-force law strikes or otherwise ill-treats any officer subject thereto of inferior rank or less seniority or any warrant officer, non-commissioned officer or airman subject to air-force law, or

(b) any warrant officer or non-commissioned officer subject to air-force law strikes or otherwise ill-treats any person subject to air-force law, being a warrant officer or non-commissioned officer of inferior rank or less seniority or an airman,

he shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

**Disgraceful conduct.**

**66.** Any person subject to air-force law who is guilty of disgraceful conduct of a cruel, indecent or unnatural kind shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

**False accusation, etc.**

**67.** Any person subject to air-force law who—

(a) makes an accusation against any officer, warrant officer, non-commissioned officer or airman subject to air-force law which he knows to be false or does not believe to be true, or

(b) in making a complaint where he thinks himself wronged, makes a statement affecting the character of

an officer, warrant officer, non-commissioned officer or airman subject to air-force law which he knows to be false or does not believe to be true, or wilfully suppresses any material facts,

PART II  
—cont.

shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

68. Any person subject to air-force law who attempts to commit an offence against any of the foregoing provisions of this Part of this Act shall, on conviction by court-martial, be liable to the like punishment as for that offence: Attempts to commit air-force offences.

Provided that if the offence is one punishable by death, he shall not be liable to any greater punishment than imprisonment.

69. Any person subject to air-force law who is guilty of any act, conduct or neglect to the prejudice of good order and air-force discipline shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act. Conduct to prejudice of air-force discipline.

#### *Civil offences*

70.—(1) Any person subject to air-force law who commits a civil offence, whether in the United Kingdom or elsewhere, shall be guilty of an offence against this section. Civil offences.

(2) In this Act the expression “civil offence” means any act or omission punishable by the law of England or which, if committed in England, would be punishable by that law; and in this Act the expression “the corresponding civil offence” means the civil offence the commission of which constitutes the offence against this section.

(3) A person convicted by court-martial of an offence against this section shall—

- (a) if the corresponding civil offence is treason or murder, be liable to suffer death;
- (b) in any other case, be liable to suffer any punishment or punishments which a civil court could award for the corresponding civil offence, if committed in England, being a punishment or punishments provided by this Act, or such punishment, less than the maximum punishment which a civil court could so award, as is so provided:

Provided that where a civil court could not so award imprisonment, a person so convicted shall be liable to suffer such punishment, less than cashiering in the case of an officer, or detention in the case of a warrant officer, non-commissioned officer or airman, as is so provided.

**PART II**  
—*cont.*

(4) A person shall not be charged with an offence against this section committed in the United Kingdom if the corresponding civil offence is treason, murder, manslaughter, treason-felony or rape.

(5) Where the corresponding civil offence is murder or manslaughter, an offence against this section shall be deemed, for the purposes of the last foregoing subsection, to have been committed at the place of the commission of the act or occurrence of the neglect which caused the death, irrespective of the place of the death.

*Punishments*

**Punishment of officers.**

**71.**—(1) The punishments which may be awarded to an officer by sentence of a court-martial under this Act are, subject to the limitations hereinafter provided on the powers of certain courts-martial, those set out in the following scale; and in relation to an officer references in this Act to punishments provided by this Act are references to those punishments.

(2) The said scale is:—

- (a) death;
- (b) imprisonment;
- (c) cashiering;
- (d) dismissal from Her Majesty's service;
- (e) forfeiture in the prescribed manner of seniority of rank;
- (f) severe reprimand or reprimand;
- (g) where the offence has occasioned any expense, loss or damage, stoppages.

(3) For the purposes of this Part of this Act a punishment specified in any paragraph of the said scale shall be treated as less than the punishments specified in the preceding paragraphs, and greater than those specified in the following paragraphs, of the scale.

(4) Save as expressly provided in this Act, not more than one punishment shall be awarded by a court-martial for one offence.

(5) Stoppages may be awarded by a court-martial either in addition to or without any other punishment.

(6) A severe reprimand or reprimand may be awarded by a court-martial in addition to forfeiture of seniority of rank.

(7) Where an officer is sentenced by a court-martial to imprisonment he shall also be sentenced to be cashiered:

Provided that if the court-martial fails to sentence him to be cashiered, the sentence of imprisonment shall not be invalid but shall be deemed to include a sentence of cashiering.

**72.—(1)** The punishments which may be awarded to a warrant officer, non-commissioned officer or airman by sentence of a court-martial under this Act are, subject to the limitations hereinafter provided on the powers of certain courts-martial, those set out in the following scale ; and in relation to a warrant officer, non-commissioned officer or airman references in this Act to punishments provided by this Act are references to those punishments.

**PART II**  
—*cont.*  
Punishment of  
W.O.S,  
N.C.O.S and  
airmen.

(2) The said scale is:—

- (a) death ;
- (b) imprisonment ;
- (c) discharge with ignominy from Her Majesty's service ;
- (d) in the case of a warrant officer, dismissal from Her Majesty's service ;
- (e) detention for a term not exceeding two years ;
- (f) in the case of a warrant officer or non-commissioned officer, reduction to the ranks or any less reduction in rank ;
- (g) in the case of a warrant officer or non-commissioned officer, forfeiture in the prescribed manner of seniority of rank ;
- (h) where the offence is desertion, forfeiture of service ;
- (i) in the case of a warrant officer or non-commissioned officer, severe reprimand or reprimand ;
- (j) where the offence was committed on active service, forfeiture of pay for a period beginning with the day of the sentence and not exceeding ninety days ;
- (k) where the offence is drunkenness, a fine ;
- (l) where the offence has occasioned any expense, loss or damage, stoppages.

(3) For the purposes of this Part of this Act a punishment specified in any paragraph of the said scale shall be treated as less than the punishments specified in the preceding paragraphs, and greater than those specified in the following paragraphs, of the scale :

Provided that detention shall not be deemed to be a less punishment than imprisonment if the term of detention is longer than the term of imprisonment.

(4) Save as expressly provided in this Act, not more than one punishment shall be awarded by a court-martial for one offence.

**PART II**  
—*cont.*

(5) A warrant officer, non-commissioned officer or airman sentenced by a court-martial to imprisonment may in addition thereto be sentenced to be discharged with ignominy from Her Majesty's service, and a warrant officer sentenced by a court-martial to imprisonment may in addition thereto be sentenced to dismissal from Her Majesty's service.

(6) Where a warrant officer or non-commissioned officer is sentenced by a court-martial to imprisonment or detention, he shall also be sentenced to be reduced to the ranks:

Provided that if the court-martial fail to sentence him to be so reduced, the sentence shall not be invalid but shall be deemed to include a sentence of reduction to the ranks.

(7) In the case of a warrant officer or non-commissioned officer a severe reprimand or reprimand may be awarded by a court-martial in addition to forfeiture of seniority of rank.

(8) For an offence committed on active service forfeiture of pay may be awarded by a court-martial in addition to field punishment, severe reprimand or reprimand.

(9) Stoppages may be awarded by a court-martial either in addition to or without any other punishment.

(10) Where an offender has been sentenced by a court-martial (whether under this Act, the Naval Discipline Act or the Army Act, 1955) to detention, then if he is subsequently sentenced by a court-martial under this Act to imprisonment, any part of the sentence of detention which has not been served shall thereupon be remitted by virtue of this subsection.

(11) Without prejudice to the validity of any award, an offender shall not be kept continuously in detention under this Act for more than two years.

**Field  
punishment.**

**73.—**(1) In relation to an offence committed by a warrant officer, non-commissioned officer or airman on active service, the scale set out in subsection (2) of the last foregoing section shall have effect as if after paragraph (e) thereof there were inserted the following paragraph:—

“(ee) field punishment for a period not exceeding ninety days”.

and subsection (6) of the last foregoing section shall apply to field punishment as it applies to imprisonment or detention.

(2) Field punishment shall consist of such duties or drills, in addition to those which the offender might be required to perform if he were not undergoing punishment, and such loss of



privileges, as may be provided by or under rules to be made by the Secretary of State, and may include confinement in such place and manner as may be so provided and such personal restraint as may be necessary to prevent the escape of the offender and as may be so provided.

PART II  
—cont.

(3) Rules under this section may contain such incidental and supplementary provisions as appear to the Secretary of State to be requisite for the purposes of the rules.

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

### *Arrest*

74.—(1) Any person subject to air-force law found committing an offence against any provision of this Act, or alleged to have committed or reasonably suspected of having committed any such offence, may be arrested in accordance with the following provisions of this section. Power to arrest offenders.

(2) An officer may be arrested by an officer of the regular air force of superior rank, or, if engaged in a quarrel or disorder, by such an officer of any rank.

(3) A warrant officer, non-commissioned officer or airman may be arrested by any officer, warrant officer or non-commissioned officer of the regular air force:

Provided that a person shall not be arrested by virtue of this subsection except by a person of superior rank.

(4) A provost officer, or any officer, warrant officer, petty officer or non-commissioned officer legally exercising authority under a provost officer or on his behalf, may arrest any officer, warrant officer, non-commissioned officer or airman:

Provided that an officer shall not be arrested by virtue of this subsection except on the order of another officer.

(5) The power of arrest given to any person by this section may (subject to the provisions of Queen's Regulations) be exercised either personally or by ordering into arrest the person to be arrested or by giving orders for that person's arrest.

75.—(1) The allegations against any person subject to air-force law who is under arrest shall be duly investigated without unnecessary delay, and as soon as may be either proceedings shall be taken for punishing his offence or he shall be released from arrest. Provisions for avoiding delay after arrest.

**PART II**  
—*cont.*

(2) Wherever any person subject to air-force law, having been taken into air-force custody, remains under arrest for a longer period than eight days without a court-martial for his trial being assembled, a special report on the necessity for further delay shall be made by his commanding officer to the prescribed authority in the prescribed manner, and a similar report shall be made to the like authority and in the like manner every eight days until a court-martial is assembled or the offence is dealt with summarily or he is released from arrest:

Provided that in the case of a person on active service compliance with this subsection shall be excused in so far as it is not reasonably practicable having regard to the exigencies of air-force operations.

(3) For the purposes of subsection (1) of section fifty-three of this Act the question whether there has been unnecessary delay in the taking of any steps for the investigation of allegations against a person under arrest shall be determined without regard to the provisions of the last foregoing subsection.

*Investigation of, and summary dealing with, charges.*

Investigation of charges by commanding officer.

**76.** Before an allegation against a person subject to air-force law (hereinafter referred to as "the accused") that he has committed an offence against any provision of this Part of this Act is further proceeded with, the allegation shall be reported, in the form of a charge, to the accused's commanding officer and the commanding officer shall investigate the charge in the prescribed manner.

Charges to be dealt with summarily or by court-martial.

**77.—(1)** After investigation, a charge against an officer below the rank of squadron leader or against a warrant officer may, if an authority has power under the following provisions of this Part of this Act to deal with it summarily, be so dealt with by that authority (in this Act referred to as "the appropriate superior authority") in accordance with those provisions.

(2) After investigation, a charge against a non-commissioned officer or airman may be dealt with summarily by his commanding officer, subject to and in accordance with the following provisions of this Part of this Act.

(3) Any charge not dealt with summarily as aforesaid shall after investigation be remanded for trial by court-martial.

(4) Notwithstanding anything in the foregoing provisions of this section, where—

(a) the commanding officer has investigated a charge against an officer or warrant officer, or

- (b) the commanding officer has investigated a charge against a non-commissioned officer or airman which is not one which can be dealt with summarily,

PART II  
—cont.

the commanding officer may dismiss the charge if he is of opinion that it ought not to be further proceeded with.

(5) References in this Act to dealing summarily with a charge are references to the taking by the appropriate superior authority or the commanding officer of the accused, as the case may require, of the following action, that is to say, determining whether the accused is guilty, dismissing the charge or recording a finding of guilty accordingly, and awarding punishment.

78.—(1) The following provisions of this section shall have effect where the commanding officer has investigated a charge against a non-commissioned officer or airman.

Further proceedings on charges against N.C.O.s and airmen.

(2) If—

- (a) the charge is not one which can be dealt with summarily and the commanding officer has not dismissed it, or  
(b) the charge is one which can be dealt with summarily but the commanding officer is of opinion that it should not be so dealt with,

he shall take the prescribed steps with a view to the charge being tried by court-martial.

(3) Otherwise, the commanding officer shall proceed to deal with the charge summarily; and if he records a finding of guilty he may award one or more of the following punishments, that is to say:—

- (a) if the accused is an airman, detention for a period not exceeding twenty-eight days or, if the accused is on active service, field punishment for a period not exceeding twenty-eight days;  
(b) if the accused is a non-commissioned officer, severe reprimand or reprimand;  
(c) if the accused is an airman and the offence was committed on active service, forfeiture of pay for a period beginning with the day of the sentence and not exceeding twenty-eight days;  
(d) where the accused is an airman and the offence charged is drunkenness, a fine not exceeding two pounds;  
(e) where the offence has occasioned any expense, loss or damage, stoppages;  
(f) any minor punishment for the time being authorised by Queen's Regulations:

Provided that no forfeiture of pay or minor punishment shall be awarded for an offence for which detention is awarded.

**PART II**  
—cont.

(4) Where the accused is an acting warrant officer or non-commissioned officer, and the commanding officer finds him guilty, the commanding officer may, if he awards no other punishment or no other punishment except stoppages, order the accused to revert to his permanent rank.

(5) Notwithstanding anything in subsection (3) of this section, where the commanding officer has determined that the accused is guilty and if the charge is dealt with summarily will award a punishment other than severe reprimand, reprimand or a minor punishment, or where a finding of guilty (whatever the punishment awarded) will involve a forfeiture of pay, the commanding officer shall not record a finding until after affording the accused an opportunity of electing to be tried by court-martial; and if the accused so elects and does not subsequently in accordance with Queen's Regulations withdraw his election, the commanding officer shall not record a finding but shall take the prescribed steps with a view to the charge being tried by court-martial.

(6) Where a charge is one which can be dealt with summarily, but the commanding officer has taken steps with a view to its being tried by court-martial, any higher authority to whom the charge is referred may refer the charge back to the commanding officer to be dealt with summarily; and on any such reference the three last foregoing subsections shall apply as if the commanding officer had originally been of opinion that the charge should be dealt with summarily:

Provided that a charge shall not be referred back where the accused has elected to be tried by court-martial and has not withdrawn his election.

Further proceedings on charges against officers and warrant officers.

**79.**—(1) After investigating a charge against an officer or warrant officer, the commanding officer shall, unless he has dismissed the charge, or the case is one where he has power, and proposes, to direct trial by field general court-martial, submit it in the prescribed manner to higher authority; and thereupon it shall be determined by such authority how the charge is to be proceeded with in accordance with the two next following subsections.

(2) If the charge is one which can be dealt with summarily, it may be referred to the appropriate superior authority.

(3) If the charge is not so referred, the prescribed steps shall be taken with a view to its being tried by court-martial.

(4) Where the charge is referred to the appropriate superior authority, that authority shall investigate the charge in

the prescribed manner and determine whether the accused is guilty of the charge and accordingly dismiss the charge or record a finding of guilty:

PART II  
—cont.

Provided that if in the course of investigating the charge the authority determines that it is desirable that the charge should be tried by court-martial, the prescribed steps shall be taken with a view to its being so tried.

(5) If the appropriate superior authority records a finding of guilty, the authority may award one or more of the following punishments, that is to say:—

- (a) forfeiture in the prescribed manner of seniority of rank;
- (b) severe reprimand or reprimand;
- (c) where the offence has occasioned any expense, loss or damage, stoppages.

(6) Notwithstanding anything in subsection (4) of this section, where the appropriate superior authority has determined that the accused is guilty and if the charge is dealt with summarily will award forfeiture of seniority or stoppages, or where a finding of guilty will involve a forfeiture of pay, the authority shall not record a finding until after affording the accused an opportunity of electing to be tried by court-martial; and if the accused so elects the authority shall not record a finding but shall take the prescribed steps with a view to the charge being tried by court-martial.

**80.**—(1) Notwithstanding anything in the two last foregoing sections, where a charge—

- (a) has been referred to higher authority with a view to its being tried by court-martial, or
- (b) has been submitted to higher authority for determination how it is to be proceeded with,

Dismissal of charges referred to higher authority.

that authority may, subject to the provisions of this section, refer the charge back to the commanding officer of the accused with a direction that it shall be dismissed, and in any such case the commanding officer shall dismiss the charge.

(2) In a case falling within paragraph (a) of the last foregoing subsection, a charge shall not be referred back where the accused has elected to be tried by court-martial and has not withdrawn his election.

(3) The reference back of a charge in pursuance of this section shall be without prejudice to the preferring of another charge if the higher authority has so directed or the commanding officer thinks fit.

## PART II

—cont.

Confession of  
desertion by  
warrant  
officer, non-  
commissioned  
officer or  
airman.

**81.—(1)** Where in accordance with Queen's Regulations a warrant officer, non-commissioned officer or airman signs a written confession that he has been guilty of desertion, his commanding officer may, notwithstanding anything in the foregoing provisions of this Part of this Act, submit the confession for the consideration of the Air Council or such officer not below the rank of group captain as may be provided by Queen's Regulations.

(2) After considering any such confession the Air Council or such officer as aforesaid may direct that the offence shall not be tried by court-martial or dealt with summarily by the appropriate superior authority or commanding officer, and if such a direction is given the period of his service as respects which he confesses to have been a deserter shall be forfeited.

(3) A direction under the last foregoing subsection may further provide that the whole or any part of the offender's service previous to that as respects which he confesses as aforesaid shall also be forfeited.

(4) Subsections (2) to (5) of section seventeen of this Act shall apply in relation to the forfeiture of service by virtue of this section subject to the following modifications:—

(a) for references to an award of forfeiture of service by the court-martial there shall be substituted references to the direction;

(b) for references to the date on which the offender was convicted there shall be substituted references to the date on which the direction was given.

Officers who  
are to act as  
commanding  
officers and  
appropriate  
superior  
authorities.

**82.—(1)** In this Act the expression "commanding officer", in relation to a person charged with an offence, means such officer having powers of command over that person as may be determined by or under regulations of the Air Council.

(2) The following persons may act as appropriate superior authority in relation to a person charged with an offence, that is to say,—

(a) any air officer, flag officer, general officer or brigadier having power to convene general courts-martial, or

(b) such other air officer, flag officer, general officer or brigadier, or, where the Air Council in special circumstances so direct, group captain, as may be specified by or under regulations of the Air Council:

Provided that an officer under such rank as may be specified by regulations under this section shall not act as appropriate superior authority where the accused is above such rank as may be so specified.

(3) Regulations under this section may confer on officers, or any class of officers, who by or under the regulations are authorised to exercise the functions of commanding officer power to delegate those functions, in such cases and to such extent as may be specified in the regulations, to officers of a class so specified.

**83.**—(1) The charges which may be dealt with summarily by a commanding officer, and the charges which may be dealt with summarily by an appropriate superior authority, shall be such as may be specified by regulations of the Air Council. Limitation on powers of summary dealing with charges.

(2) In such cases as may be specified in that behalf by regulations of the Air Council, the powers of a commanding officer or appropriate superior authority to award punishment shall be subject to such limitations as may be so specified.

*Courts-martial : general provisions*

**84.**—(1) Subject to the provisions of this section, a charge which is to be tried by court-martial shall be tried either by general court-martial or by district court-martial. Trial to be by general court-martial, district court-martial or in certain cases field general court-martial.

(2) Where the officer commanding a body of the regular air force on active service—

(a) being an officer (whether air-force, naval or military) to whom a charge has been submitted under subsection (1) of section seventy-nine of this Act for determining how it is to be dealt with, or

(b) being the accused's commanding officer who has investigated a charge which cannot be dealt with summarily or which in his opinion ought not to be so dealt with, or

(c) being the accused's commanding officer or the appropriate superior authority who has investigated a charge on which the accused has elected to be tried by court-martial,

is of opinion that it is not possible without serious detriment to the public service that the charge should be tried by a general or district court-martial, the officer may (whether or not he is authorised to convene general courts-martial) direct that the charge shall be tried by a field general court-martial.

**85.**—(1) A general court-martial shall have power to try any person subject to air-force law for any offence which under this Act is triable by court-martial, and to award for any such offence any punishment authorised by this Act for that offence. Powers of different descriptions of court-martial.

(2) A district court-martial shall have the powers of a general court-martial except that it shall not try an officer or sentence a warrant officer to imprisonment, discharge with ignominy, dismissal or detention, and shall not award the punishment of death or of imprisonment for a term exceeding two years.

**PART II**  
—*cont.*

(3) A field general court-martial shall have the powers of a general court-martial, except that where the court consists of less than three officers the sentence shall not exceed imprisonment for a term of two years.

**Officers having power to convene courts-martial.**

**86.**—(1) A general court-martial may be convened by any qualified officer authorised by Her Majesty by warrant under Her sign manual to convene general courts-martial or that court-martial, or by any qualified officer under the command of an officer authorised as aforesaid to whom the last-mentioned officer has, in the exercise of a power conferred by the warrant issued to him, delegated his power to convene general courts-martial.

(2) A district court-martial may be convened by an officer authorised to convene general courts-martial, by any person, not below the rank of flight lieutenant, under the command of such an officer whom that officer has authorised to convene district courts-martial, by any air officer commanding a body of the air force or by any officer for the time being acting in the place of such an air officer.

(3) A field general court-martial may be convened by the officer who directed that the charge should be tried by field general court-martial.

(4) Notwithstanding anything in subsection (1) or (2) of this section, any power to convene courts-martial delegated under subsection (1) of this section shall be exercisable only for the trial of a person who at the date of the convening order is under or within the territorial limits of the convening officer's command, and an officer, other than one authorised to convene general courts-martial, shall not by virtue of subsection (2) of this section convene a district court-martial except for the trial of a person under his command.

(5) In this section the expression "qualified officer" means any officer not below the rank of squadron leader or corresponding rank who—

- (a) is in command of a body of the regular air force, or
- (b) is in command of the command within which a body of the regular air force is serving.

(6) Any warrant under this section, or any authorisation under this section to convene courts-martial—

- (a) may be made subject to restrictions, reservations, exceptions or conditions ;
- (b) may be addressed to officers by name or by designation of their offices, and may be issued or given to a named or designated officer, to a named or designated officer and to the person for the time being performing the



duties of his office, to a named or designated officer and his successors in that office or to a named or designated officer and such person and successors ;

(c) may be varied or may be revoked, either wholly or in part, by a subsequent warrant of Her Majesty or, as the case may be, by the officer by whom it was given or his successor in office.

(7) Where an officer on board ship—

(a) has had power to convene general courts-martial delegated to him by an officer under whose command he was before the departure of the ship, or

(b) has been authorised under subsection (2) of this section to convene district courts-martial by such an officer, he may convene courts-martial to the like extent as if he had continued under the command of the officer delegating the power or granting the authorisation.

**87.**—(1) A general court-martial shall consist of the president and not less than four other officers. PART II  
—cont.  
  
Constitution  
of general  
courts-martial

(2) Save as hereinafter provided, an officer shall not be appointed a member of a general court-martial unless he belongs to Her Majesty's air forces, is subject to air-force law and has held a commission in any of the armed forces of the Crown for a period of not less than three years or for periods amounting in the aggregate to not less than three years.

(3) Not less than four of the members of a general court-martial shall be of a rank not below that of flight lieutenant.

(4) The president of a general court-martial shall be appointed by order of the convening officer, and shall be of the rank of squadron leader or higher rank unless in the opinion of the convening officer no such officer having suitable qualifications is, with due regard to the public service, available ; and in any event the president of a general court-martial shall not be under the rank of flight lieutenant.

(5) The members of a general court-martial, other than the president, shall be appointed by order of the convening officer or in such other manner as may be prescribed.

(6) An officer under the rank of flight lieutenant shall not be a member of a general court-martial for the trial of an officer above that rank.

**88.**—(1) A district court-martial shall consist of the president and not less than two other officers. Constitution  
of district  
courts-martial.

(2) Save as hereinafter provided, an officer shall not be appointed to be a member of a district court-martial unless he belongs to Her Majesty's air forces, is subject to air-force law and

**PART II**  
—*cont.*

has held a commission in any of the armed forces of the Crown for a period of not less than two years or for periods amounting in the aggregate to not less than two years.

(3) The president of a district court-martial shall be appointed by order of the authority convening the court, and shall be of the rank of squadron leader or higher rank unless in the opinion of the authority convening the court no such officer having suitable qualifications is, with due regard to the public service, available; and in any event the president of a district court-martial shall not be under the rank of flight lieutenant.

(4) The members of a district court-martial, other than the president, shall be appointed by order of the authority convening the court or in such other manner as may be prescribed.

**Constitution of  
field general  
courts-martial.**

**89.**—(1) A field general court-martial shall consist of the president and not less than two other officers, or, if the convening officer is of opinion that three officers having suitable qualifications are not available without serious detriment to the public service, shall consist of the president and one other officer.

(2) Save as hereinafter provided, the members of a field general court-martial shall be persons belonging to Her Majesty's air forces and subject to air-force law.

(3) The president of a field general court-martial shall be an officer appointed by the convening officer and shall not be under the rank of flight lieutenant.

(4) The members of a field general court-martial, other than the president, shall be appointed by order of the convening officer or in such other manner as may be prescribed.

**Supplementary  
provisions as to  
constitution of  
courts-martial.**

**90.**—(1) The officer who convened a court-martial shall not be a member of that court-martial:

Provided that if in the case of a field general court-martial it is not practicable in the opinion of the convening officer to appoint another officer as president, he may himself be president of the court-martial.

(2) An officer who at any time between the date on which the accused was charged with the offence and the date of the trial has been the commanding officer of the accused, and any other officer who has investigated the charge against the accused, or who under this Act has held, or has acted as one of the persons holding, an inquiry into matters relating to the subject matter of the charge against the accused, shall not sit as a member of a general or district court-martial, or act as judge advocate at such a court-martial.

(3) If any court-martial is required to be convened at any place where in the opinion of the convening officer the necessary number of air-force officers having suitable qualifications is not available to form the court, and cannot be made available with due regard to the public service, the convening officer may, with the consent of the proper naval or military authority, appoint any naval or military officer as president in lieu of an air-force officer or as any other member of the court in lieu of or in addition to an air-force officer or air-force officers:

Provided that no naval or military officer shall be qualified to act in relation to a court-martial unless he is of corresponding rank to that which would have been required in the case of an air-force officer and has held a commission in any of the armed forces of the Crown for the like period or periods as would have been so required.

(4) Where—

- (a) the officer convening a general or district court-martial appoints a flight lieutenant to be president, being of opinion that no officer of higher rank having suitable qualifications is, with due regard to the public service, available;
- (b) an officer directs that an offender shall be tried by a field general court-martial, being of opinion that it is not possible without serious detriment to the public service that the offender should be tried by a general or district court-martial, or the officer convening a field general court-martial appoints two officers only to be members of the court, being of opinion that three officers having suitable qualifications are not without serious detriment to the public service available, or appoints himself to be president, being of opinion that it is not practicable to appoint another officer as president, or
- (c) the officer convening any court-martial appoints an officer not being an air-force officer as president or any other member of the court, being of opinion that the necessary number of air-force officers having suitable qualifications is not available to form the court and cannot be made available with due regard to the public service,

the order convening the court-martial shall contain a statement of the said opinion, and that statement shall be conclusive.

(5) In this section the expression “air-force officer” means an officer belonging to Her Majesty’s air forces and subject to air-force law.

**PART II**  
 —*cont.*  
 Place for  
 sitting of  
 courts-martial  
 and  
 adjournment to  
 other places.

**91.**—(1) Subject to the provisions of this section, a court-martial shall sit at such place (whether within or without Her Majesty's dominions) as may be specified in the order convening the court; and the convening officer may convene it to sit at a place outside the limits of his command.

(2) A court-martial sitting at any place shall if the convening officer directs it to sit at some other place, and may without any such direction if it appears to the court requisite in the interests of justice to sit at some other place, adjourn for the purpose of sitting at that other place.

*Courts-martial : provisions relating to trial*

Challenges by  
 accused.

**92.**—(1) An accused about to be tried by any court-martial shall be entitled to object, on any reasonable grounds, to any member of the court, whether appointed originally or in lieu of another officer.

(2) For the purpose of enabling the accused to avail himself of the right conferred by the last foregoing subsection, the names of the members of the court shall be read over in the presence of the accused before they are sworn, and he shall be asked whether he objects to any of those officers.

(3) Every objection made by an accused to any officer shall be considered by the other officers appointed members of the court.

(4) If objection is made to the president and not less than one-third of the other members of the court allow it, the court shall adjourn and the convening officer shall appoint another president.

(5) If objection is made to a member of the court other than the president and not less than one half of the members entitled to vote allow it, the member objected to shall retire and the vacancy may, and if otherwise the number of members would be reduced below the legal minimum shall, be filled in the prescribed manner by another officer.

Administration  
 of oaths.

**93.**—(1) An oath shall be administered to every member of a court-martial and to any person in attendance on a court-martial as judge advocate, officer under instruction, shorthand writer or interpreter.

(2) Every witness before a court-martial shall be examined on oath:

Provided that where any child of tender years called as a witness does not in the opinion of the court understand the nature of an oath, his evidence may be received, though not given upon oath, if in the opinion of the court he is possessed of sufficient intelligence to justify the reception of the evidence and

understands the duty of speaking the truth, so however that where the evidence is given on behalf of the prosecution the accused shall not be liable to be convicted unless it is corroborated by some other material evidence in support thereof implicating the accused.

PART II  
—cont.

(3) An oath required to be administered under this section shall be in the prescribed form and shall be administered at the prescribed time by the prescribed person and in the prescribed manner.

94.—(1) Subject to the provisions of this section, a court-martial shall sit in open court and in the presence of the accused.

Courts-martial to sit in open court.

(2) Nothing in the last foregoing subsection shall affect the power of a court-martial to sit in camera on the ground that it is necessary or expedient in the interests of the administration of justice to do so and without prejudice to that power a court-martial may order that, subject to any exceptions the court may specify, the public shall be excluded from all or any part of the proceedings of the court if it appears to the court that any evidence to be given or statement to be made in the course of the proceedings or that part, as the case may be, might otherwise lead to the disclosure of any information which would or might be directly or indirectly useful to an enemy.

(3) A court-martial shall sit in closed court while deliberating on their finding or sentence on any charge.

(4) A court-martial may sit in closed court on any other deliberation amongst the members.

(5) Where a court-martial sits in closed court, no person shall be present except the members of the court and such other persons as may be prescribed.

95.—(1) Where, whether before or after the commencement of the trial, it appears to the convening officer necessary or expedient in the interests of the administration of justice that a court-martial should be dissolved, the convening officer may by order dissolve the court-martial.

Dissolution of courts-martial.

(2) Without prejudice to the generality of the last foregoing subsection, if after the commencement of the trial a court-martial is, by reason of the death of one of the members or for any other reason, reduced below the legal minimum, it shall be dissolved.

(3) If after the commencement of the trial the president dies or is otherwise unable to attend and the court is not reduced below the legal minimum, then—

(a) if the senior member of the court is of the rank of flight lieutenant or corresponding rank or is of higher rank, the convening officer may appoint him president and the trial shall proceed accordingly; but

(b) if he is not, the court shall be dissolved.

**PART II**  
—*cont.*

(4) Without prejudice to the generality of subsection (1) of this section, if after the commencement of the trial it is represented to the convening officer that owing to the sickness or other incapacity of the accused it is impracticable having regard to all the circumstances to continue the trial within a reasonable time, the convening officer may dissolve the court.

(5) Where a court-martial is dissolved under the foregoing provisions of this section the accused may be tried by another court.

**Decisions of  
courts-martial.**

**96.**—(1) Subject to the provisions of this section, every question to be determined on a trial by court-martial shall be determined by a majority of the votes of the members of the court.

(2) In the case of an equality of votes on the finding, the court shall acquit the accused.

(3) A finding of guilty where the only punishment which the court can award is death shall not have effect unless it is reached with the concurrence of all the members of the court; and where on such a finding being come to by a majority of the members there is no such concurrence, the court shall be dissolved and the accused may be tried by another court.

(4) Where the accused is found guilty and the court has power to sentence him either to death or to some less punishment, sentence of death shall not be passed without the concurrence of all the members of the court.

(5) In the case of an equality of votes on the sentence, or on any question arising after the commencement of a trial, except the finding, the president shall have a second or casting vote.

**Finding and  
sentence.**

**97.**—(1) Without prejudice to the provisions of section ninety-four of this Act, the finding of a court-martial on each charge shall be announced in open court.

(2) Any finding of guilty shall be, and be announced as being, subject to confirmation.

(3) Any sentence of a court-martial, together with any recommendation to mercy, shall be announced in open court, and a sentence of a court-martial shall be, and be announced as being, subject to confirmation.

**Power to  
convict of  
offence other  
than that  
charged.**

**98.**—(1) An accused charged before a court-martial with an offence under this Act may, on failure of proof of the offence having been committed under circumstances involving a higher degree of punishment, be found guilty of the offence as having been committed under circumstances involving a less degree of punishment.

(2) An accused charged before a court-martial with any offence may be found guilty of attempting to commit that offence.

(3) An accused charged before a court-martial with attempting to commit an offence may be convicted on that charge notwithstanding that it is proved that he actually committed the offence.

(4) Where an accused is charged before a court-martial under section seventy of this Act in respect of attempting to commit a civil offence, he may be convicted on that charge notwithstanding that it is proved that he actually committed the civil offence.

(5) Where an accused is charged before a court-martial with an offence against section seventy of this Act, and the corresponding civil offence is one in proceedings for which, if he had been tried by a civil court for committing the offence in England, he might have been found guilty of another civil offence, then if the court finds that he has committed that other civil offence he may be convicted of an offence against section seventy of this Act in respect of the commission of that other civil offence.

(6) An accused charged before a court-martial with an offence specified in the first column of the Third Schedule to this Act may be found guilty of an offence specified in relation thereto in the second column of that Schedule.

99.—(1) The rules as to the admissibility of evidence to be observed in proceedings before courts-martial shall be the same as those observed in civil courts in England, and no person shall be required in proceedings before a court-martial to answer any question or to produce any document which he could not be required to answer or produce in similar proceedings before a civil court in England. Rules of evidence.

(2) Notwithstanding anything in the last foregoing subsection, a statutory declaration shall, in a trial by court-martial, be admissible as evidence of the facts stated in the declaration in a case where, and to the extent to which, oral evidence to the like effect would be admissible in that trial:

Provided that a statutory declaration shall not be admitted in evidence in any such trial on behalf either of the prosecution or of the defence—

- (a) where the declaration is put forward on behalf of the prosecution, unless a copy of the declaration has, not less than seven days before the commencement of the trial, been served on the accused ;
- (b) where the declaration is put forward on behalf of the defence, unless a copy of the declaration has, not less than seven days before the commencement of the trial, been served on the commanding officer of the accused ;

**PART II**  
—*cont.*

(c) in any case, if, not later than three days before the commencement of the trial or within such further time as the court-martial may in special circumstances allow, the accused or, as the case may be, the commanding officer of the accused, serves a notice in the prescribed form on the commanding officer or accused requiring that oral evidence shall be given in lieu of the declaration ;

(d) in any case, if the court-martial is of opinion that it is desirable in the interests of justice that oral evidence should be given in lieu of the declaration and declares that it is of that opinion.

(3) A court-martial shall take judicial notice of all matters of notoriety, including all matters within the general service knowledge of the court, and of all other matters of which judicial notice would be taken in a civil court in England.

**Privilege of witnesses and others at courts-martial.**

**100.** A witness before a court-martial or any other person whose duty it is to attend on or before the court shall be entitled to the same immunities and privileges as a witness before the High Court in England.

**Offences by civilians in relation to courts-martial.**

**101.** Where in the United Kingdom or in any colony any person not subject to air-force law—

(a) having been duly summoned to attend as a witness before a court-martial, fails to comply with the summons, or

(b) refuses to swear an oath when duly required by a court-martial to do so, or

(c) refuses to produce any document in his custody or under his control which a court-martial has lawfully required him to produce, or

(d) when a witness, refuses to answer any question which a court-martial has lawfully required him to answer, or

(e) wilfully insults any person, being a member of a court-martial or a witness or any other person whose duty it is to attend on or before the court, while that person is acting as a member thereof, or wilfully insults any such person as aforesaid while that person is so attending or is going to or returning from the proceedings of the court, or

(f) wilfully interrupts the proceedings of a court-martial or otherwise misbehaves before the court, or

(g) does any other thing which would, if the court-martial had been a court of law having power to commit for contempt, have been contempt of that court,

the president of the court-martial may certify the offence of that person under his hand to any court of law in the part of the



United Kingdom or in the colony, as the case may be, where the offence is alleged to have been committed, being a court having power to commit for contempt, and that court of law may thereupon inquire into the alleged offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court to which the offence is certified :

Provided that where the offence is alleged to have been committed in the United Kingdom and the court-martial was held outside the United Kingdom, the certifying of the offence may be done by the Air Council or any officer authorised by them.

**102. If—****Affirmations.**

- (a) a person required by virtue of this Act to take an oath for the purposes of proceedings before a court-martial objects to being sworn, and states as the ground of his objection either that he has no religious belief or that the taking of an oath is contrary to his religious belief, or
- (b) it is not reasonably practicable to administer an oath to such a person as aforesaid in the manner appropriate to his religious belief,

he shall be permitted to make a solemn affirmation in the prescribed form instead of taking an oath.

*Offences : procedure*

**103.—**(1) Subject to the provisions of this section, the Secretary of State may make rules (hereinafter referred to as Rules of Procedure) with respect to the investigation and trial of, and awarding of punishment for, offences cognizable by courts-martial, commanding officers and appropriate superior authorities and with respect to the confirmation and revision of findings and sentences of courts-martial. Rules of Procedure.

(2) Without prejudice to the generality of the last foregoing subsection, Rules of Procedure may make provision with respect to all or any of the following matters, that is to say—

- (a) the procedure to be observed in the bringing of charges before commanding officers and appropriate superior authorities ;
- (b) the manner in which charges so brought are to be investigated, and the taking of evidence (whether orally or in writing, whether or not on oath and whether in full or in summary or abstract form) for the purpose of investigating or dealing summarily with such

PART II  
—cont.

charges or otherwise as a preliminary to the trial thereof by court-martial, so however that the Rules shall make provision for the application of section ninety-three of this Act in any case where the accused requires that evidence shall be taken on oath ;

- (c) the addition to, or substitution for, a charge which has been investigated of a new charge for an offence disclosed by evidence taken on the investigation, and the treating of the investigation as the investigation of the new charge ;
- (d) the convening and constitution of courts-martial ;
- (e) the sittings, adjournment and dissolution of courts-martial ;
- (f) the procedure to be observed in trials by court-martial ;
- (g) the representation of the accused at such trials ;
- (h) procuring the attendance of witnesses before courts-martial and at the taking of evidence in pursuance of rules made under paragraph (b) of this subsection ;
- (i) applying in relation to proceedings before commanding officers and appropriate superior authorities and otherwise in relation to proceedings prior to trial by court-martial all or any of the provisions of the four last foregoing sections ;
- (j) empowering a court-martial or the convening officer, in such cases and to such extent as may be prescribed, to amend a charge which is being tried by the court ;
- (k) empowering a court-martial, where the particulars proved or admitted at the trial differ from those alleged in the charge but are sufficient to support a finding of guilty of the like offence as that charged, to make a finding of guilty subject to exceptions or variations specified in the finding if it appears to the court that the difference is not so material as to have prejudiced the accused in his defence ;
- (l) the forms of orders and other documents to be made for the purposes of any provision of this Act or the Rules relating to the investigation or trial of, or award of punishment for, offences cognizable by courts-martial, commanding officers or appropriate superior authorities or to the confirmation and revision of the findings and sentences of courts-martial ; and
- (m) any matter which by this Part of this Act is required or authorised to be prescribed.

(3) Rules made by virtue of paragraph (j) of the last foregoing subsection shall secure that the power to amend charges shall not be exercisable in circumstances substantially different from

those in which indictments are amendable by a civil court in England, or otherwise than subject to the like conditions, as nearly as circumstances admit, as those subject to which indictments are so amendable, and shall not be exercisable by a court-martial (otherwise than for the purpose only of correcting a mistake in the name or description of the accused or a clerical error or omission) unless there is a judge advocate present at the trial.

(4) Rules of Procedure shall not make provision with respect to the carrying out of sentences passed by courts-martial or of other punishments awarded under this Part of this Act.

(5) A Rule of Procedure which is inconsistent with the provisions of this Act shall to the extent of the inconsistency be void.

**104.**—(1) Rules of Procedure may make provision as to the exercise by a judge advocate of his functions at a trial by court-martial. Rules as to exercise of functions of judge advocate.

(2) Without prejudice to the generality of the foregoing provisions of this section, Rules of Procedure may make provision—

(a) as to the effect of advice or rulings given to the court by a judge advocate on questions of law ;

(b) for requiring or authorising the president of a court-martial, in such cases as may be specified in the Rules, to direct that questions of law shall be determined by a judge advocate in the absence of the president and other members of the court and any officers under instruction, and for applying to the judge advocate and his proceedings on any such determination such of the provisions of this Act relating to the court or its members and the proceedings thereof as may be specified in the Rules.

(3) In the last foregoing subsection references to questions of law include references to questions as to the joinder of charges and as to the trial of persons jointly or separately.

**105.**—(1) Rules of Procedure may be made for determining the cases in which and the extent to which courts-martial may, in sentencing an accused for any offence of which he is convicted, at the request of the accused take into consideration other offences against this Act committed by him. Taking of offences into consideration.

(2) Where Rules of Procedure make such provision as aforesaid, they may also make provision for conferring on the court taking one or more offences into consideration power to direct the making of such deductions from the offender's pay as the court would have had power to direct if he had been found guilty of the offence or offences taken into consideration as well as of the offence of which he was in fact found guilty.

**PART II**  
**—cont.**  
 Rules of  
 Procedure to  
 be subject to  
 annulment.

**106.** The power to make Rules of Procedure shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

*Confirmation, Revision and Review of Proceedings of  
 Courts-Martial*

Confirmation  
 of proceedings  
 of courts-  
 martial.

**107.—(1)** Where a court-martial finds the accused guilty on any charge, the record of the proceedings of the court-martial shall be transmitted to a confirming officer for confirmation of the finding and sentence of the court on that charge.

(2) A finding of guilty or sentence of a court-martial shall not be treated as a finding or sentence of the court until confirmed:

Provided that this subsection shall not affect the keeping of the accused in custody pending confirmation or the operation of the two next following sections or the provisions of this Act as to confirmation or approval.

Petitions  
 against finding  
 or sentence.

**108.** At any time after a court-martial has sentenced the accused, but not later than the prescribed time after confirmation is completed, the accused may in the prescribed manner present a petition against finding or sentence or both.

Revision of  
 findings of  
 courts-martial.

**109.—(1)** A confirming officer may direct that a court-martial shall revise any finding of guilty come to by the court in any case where it appears to him—

- (a) that the finding was against the weight of evidence, or
- (b) that some question of law determined at the trial and relevant to the finding was wrongly determined.

(2) Any such direction shall be accompanied by the necessary directions for the re-assembly of the court, and shall contain a statement of the reasons for the direction.

(3) On any revision of a finding the court shall reconsider the finding, and (unless the court adheres thereto) may substitute therefor either a finding of not guilty or any other finding to which the court could originally have come at the trial in lieu of the finding under revision.

(4) On any such revision the court shall not have power to receive further evidence.

(5) Where on any such revision the court either adheres to the original finding or substitutes therefor a finding of guilty of another offence, or of the same offence in different circumstances, the court may substitute a different sentence for the original sentence:

Provided that the court shall not have power to substitute a sentence of a punishment greater than the punishment or greatest

of the punishments awarded by the original sentence, or to substitute a sentence which in the opinion of the court is more severe than the original sentence.

PART II  
—cont.

(6) The confirming officer shall not have power to direct the revision of any substituted finding come to by the court on a previous direction of the confirming officer, or the revision of the original finding if adhered to by the court on such a previous direction; but save as aforesaid this Act shall apply to the proceedings of the court on any such revision as it applies to their deliberations on the original finding or sentence, and any substituted finding or sentence shall be treated for all purposes as an original finding or sentence of the court:

Provided that the decision of the court on the revision shall not be required to be announced in open court.

**110.**—(1) Subject to the provisions of the last foregoing section and to the following provisions of this section, a confirming officer shall deal with the finding or sentence of a court-martial either by withholding confirmation, if of opinion that the finding of the court is unreasonable or cannot be supported having regard to the evidence or involves a wrong decision on a question of law or that, on any ground, there was a miscarriage of justice, or by confirming the finding or sentence or referring the finding or sentence, or both, for confirmation to a higher confirming officer.

Powers of  
confirming  
officers.

(2) In lieu of withholding confirmation of the finding of a court-martial, a confirming officer may, if—

- (a) some other finding of guilty could have been validly made by the court-martial on the charge before it, and
- (b) he is of opinion that the court-martial must have been satisfied of the facts necessary to justify that other finding,

substitute that other finding, and if he does so he shall consider in what manner, if at all, the powers conferred by subsection (4) of this section shall be exercised.

(3) Where it appears to a confirming officer that a sentence of a court-martial is invalid, he may in lieu of withholding confirmation of the sentence substitute therefor a sentence of any punishment or punishments which could have been awarded by the court, not being greater than the punishment or greatest of the punishments awarded by the court and not in his opinion more severe than that punishment or those punishments.

(4) In confirming the sentence of a court-martial, a confirming officer may—

- (a) remit in whole or in part any punishment awarded by the court; or

PART II  
—cont.

(b) commute any such punishment for one or more punishment or punishments provided by this Act, being less than the punishment commuted.

(5) In confirming any sentence, a confirming officer may postpone the carrying out of the sentence for such time as seems expedient, and a confirming officer may extend or terminate any postponement ordered under this subsection.

(6) A finding or sentence substituted by the confirming officer, or any sentence having effect after the confirming officer has remitted or commuted punishment, shall be treated for all purposes as a finding or sentence of the court duly confirmed.

(7) The confirmation of a finding or sentence shall not be deemed to be completed until the finding or sentence has been promulgated; and in the event of any such substitution, remission or commutation as aforesaid the finding or sentence shall be promulgated as it has effect after the substitution, remission or commutation.

(8) Where the confirming officer determines to withhold confirmation, the determination shall be promulgated and shall have effect as from the promulgation thereof.

Confirming  
officers.

**111.**—(1) Subject to the provisions of this section, the following shall have power to confirm the finding and sentence of any court-martial, that is to say:—

- (a) the officer who convened the court-martial or any officer superior in command to that officer;
- (b) the successor of any such officer or superior officer, or any person for the time being exercising the functions of any such officer or superior officer;
- (c) failing any such officer as aforesaid, any officer appointed by the Air Council to act as confirming officer, whether for the particular case or for a specified class of cases.

(2) The following shall not have power to confirm the finding or sentence of a court-martial, that is to say:—

- (a) any officer who was a member of the court-martial, or
- (b) any person who as commanding officer of the accused investigated the allegations against him or who is for the time being the commanding officer of the accused, or
- (c) any person who as appropriate superior authority investigated the allegations against the accused:

Provided that a person excluded by the foregoing provisions of this subsection may act as confirming officer for a field general court-martial, if otherwise having power to do so, where

he is of opinion that it is not practicable, having due regard to the public service, to delay the case for the purpose of referring it to another confirming officer.

PART II  
—cont.

(3) A warrant or authorisation empowering the convening of a general or district court-martial may reserve for confirmation by superior authority findings or sentences or both in such circumstances as may be specified by or under the warrant or authorisation, and the powers conferred by subsection (1) of this section shall be exercisable subject to any such reservation.

(4) Where a person is found guilty by a court-martial held on board any ship and is disembarked before the finding or sentence has been confirmed it may be confirmed by any officer under, or in the area of, whose command he is for the time being, being an officer having power to confirm courts-martial of the like description as that held on board the ship.

112.—(1) A sentence of death confirmed by an officer below the rank of air vice-marshal shall not be carried into effect unless approved by an officer not below the rank of air vice-marshal or by a naval or military officer of corresponding rank, being a naval or military officer commanding the command in which the person under sentence was serving at the date of the sentence.

Approval as well as confirmation required for certain death sentences.

(2) Without prejudice to the provisions of the last foregoing subsection, a sentence of death passed by a court-martial shall not be carried into effect in a colony unless approved by the Governor of the colony.

(3) Notwithstanding anything in the foregoing provisions of this section, sentence of death passed on a person on active service may be carried out without such approval as is mentioned in subsection (1) or subsection (2) of this section where in the opinion of the confirming officer it is essential in the interests of discipline and for the purpose of securing the safety of the force with which the person sentenced is present that the sentence should be carried out forthwith, and the confirming officer states that opinion in the minute confirming the sentence.

113.—(1) A finding or sentence which has been confirmed may at any time be reviewed by a reviewing authority, and if after confirmation of a finding or sentence a petition is duly presented under section one hundred and eight of this Act against the finding or sentence then, subject to the provisions of this section, the finding or sentence shall be so reviewed as soon as may be after the presentation of the petition and after consideration of the matters alleged therein.

Review of findings and sentences of courts-martial.

(2) The reviewing authorities for the purposes of this Act are the following:—

(a) Her Majesty,

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**PART II**  
—*cont.*

- (b) the Air Council, or (so far as the delegation extends) any officer to whom the powers of the Air Council as reviewing authority, or any of those powers, may be delegated by, or by regulations of, the Air Council,
- (c) any officer superior in command to the confirming officer.

(3) If an application for leave to appeal is received by the registrar of the Courts-Martial Appeal Court or the said registrar receives particulars of such an application furnished in pursuance of paragraph (b) of subsection (3) of section four of the Courts-Martial (Appeals) Act, 1951, so much of subsection (1) of this section as requires the review of a finding or sentence against which a petition has been presented shall thereupon cease to apply to the finding to which the application for leave to appeal relates and the sentence passed in consequence of that finding.

(4) Notwithstanding anything in subsection (1) of this section, a sentence of death passed on a person on active service and the finding of guilty in consequence of which it was passed shall not be required to be reviewed if in the opinion of the confirming officer it is essential in the interests of discipline and for the purpose of securing the safety of the force with which the person sentenced is present that the sentence should be carried out forthwith, and the confirming officer states that opinion in the minute confirming the sentence.

(5) On a review under this section the reviewing authority may—

- (a) in so far as the review is of a finding, quash the finding and, if the sentence relates only to the finding quashed, the sentence ;
- (b) in so far as the review is of a sentence, quash the sentence ;
- (c) in any case, exercise the like powers of substituting findings, substituting valid for invalid sentences and remitting or commuting punishment as are conferred on a confirming officer by subsections (2) to (4) of section one hundred and ten of this Act ;

and any substituted finding or sentence, or sentence having effect after the remission or commutation of punishment, shall be treated for all purposes as a finding or sentence of the court duly confirmed.

(6) Where a reviewing authority exercises any of the powers conferred by the last foregoing subsection, the determination of the authority shall be promulgated and shall have effect as from the promulgation thereof.



114.—(1) Sentences of imprisonment and detention may be reconsidered by such officers (not below the rank of air commodore or corresponding naval or military rank) as may be specified by regulations of the Air Council; and if on any such reconsideration it appears to the authority that the conduct of the offender since his conviction has been such as to justify remission of the sentence, whether in whole or in part, it shall be remitted accordingly.

PART II  
—cont.  
Reconsideration of sentences of imprisonment and detention.

(2) The power to reconsider a sentence may be exercised at any time after confirmation, and where after the review of a sentence it is effective it shall be reconsidered not less frequently than at such intervals as shall be specified by regulations of the Air Council:

Provided that delay in complying with this subsection shall not invalidate the sentence.

*Review of summary findings and awards*

115.—(1) Where a charge has been dealt with summarily, otherwise than by the dismissal thereof, the authority hereinafter mentioned may at any time review the finding or award.

Review of summary findings and awards.

(2) The said authority is—

(a) the Air Council, or

(b) any air-force, naval or military officer superior in command to the officer who dealt summarily with the charge, or

(c) any other officer being—

(i) an air officer appointed by the Air Council to act for the purposes of this section in any particular case, or

(ii) an air officer, or air officer of a class, so appointed for any class of cases.

(3) Where on a review under this section it appears to the said authority expedient so to do by reason of any mistake of law in the proceedings on the summary dealing with the charge or of anything occurring in those proceedings which in the opinion of the authority involved substantial injustice to the accused, the authority may quash the finding; and if the finding is quashed the authority shall also quash the award.

(4) Where on a review under this section it appears to the said authority that a punishment awarded was invalid, or too severe, or (where the award included two or more punishments) that those punishments or some of them could not validly have been awarded in combination or are, taken together, too severe, the authority may vary the award by substituting such punishment or punishments as the authority may think proper, being a punishment or punishments which could have been included

PART II  
—cont.

in the original award and not being in the opinion of the authority more severe than the punishment or punishments included in the original award.

*Findings of insanity*

Provisions  
where accused  
found insane.

116.—(1) Where, on the trial of a person by court-martial, it appears to the court that the accused is by reason of insanity unfit to stand his trial, the court shall so find; and if the finding is confirmed in accordance with the following provisions of this section the accused shall be kept in custody in such manner as may be provided by or under regulations of the Air Council until the directions of Her Majesty are known or until any earlier time at which the accused is fit to stand his trial.

(2) Where, on the trial of a person by court-martial, it appears to the court that the evidence is such as, apart from any question of insanity, to support a finding that the accused was guilty of any offence, but that at the time of the acts or omissions constituting that offence the accused was insane, the court shall find that the accused was guilty of that offence but was insane at the said time, and thereupon the accused shall be kept in custody in such manner as may be provided by or under regulations of the Air Council until the directions of Her Majesty are known.

(3) In the case of any such finding as aforesaid Her Majesty may give orders for the safe custody of the accused during Her pleasure in such place and in such manner as Her Majesty thinks fit.

(4) A finding under subsection (1) of this section shall not have effect unless and until the finding has been confirmed by an officer who would have had power to confirm a finding of guilty come to by the court-martial in question and has been promulgated.

(5) Where the court or the confirming officer comes to or substitutes a finding of guilty but insane the confirming officer or, as the case may be, the reviewing authority shall not have power to substitute for that finding a finding of guilty; but save as aforesaid the provisions of this Act as to revision, confirmation and review (and in particular the provisions of this Act which confer power to substitute for any finding any other finding which could have been come to by the court-martial in question) apply in relation to such findings as are provided for by subsection (2) of this section as those provisions apply in relation to other findings of guilty.

*Saving for functions of Judge Advocate General*

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—cont.

Saving for  
functions of  
Judge  
Advocate  
General.

117. Nothing in the foregoing provisions of this Part of this Act shall prejudice the exercise of the functions conferred (whether by Queen's Regulations or otherwise) on the Judge Advocate General of considering and reporting on the proceedings of courts-martial or any other functions so conferred on him in relation to such courts.

*Commencement, suspension and duration of sentences*

Commence-  
ment of  
sentences.

118.—(1) An air-force sentence of imprisonment or detention or a sentence of field punishment shall, subject to the provisions of this section and of subsection (7) of section four of the Courts-Martial (Appeals) Act, 1951 (which empowers the Court in certain cases to direct that a sentence shall begin to run from the day on which the Court dismisses an application for leave to appeal), begin to run from the beginning of the day on which sentence was originally pronounced by the court-martial trying the offender or, as the case may be, was originally awarded by his commanding officer.

(2) A sentence of imprisonment or detention passed by a court-martial on a warrant officer, non-commissioned officer or airman which is suspended in pursuance of section one hundred and twenty of this Act before he has been committed to prison or an air-force establishment shall not begin to run until the beginning of the day on which the suspension is determined :

Provided that where the sentence is suspended by the confirming officer and the reviewing authority determines the suspension, the reviewing authority may direct that the sentence shall run from such earlier date, not earlier than the day on which sentence was originally pronounced by the court-martial, as the reviewing authority may specify.

119.—(1) Where a warrant officer, non-commissioned officer or airman has been sentenced to imprisonment or detention by a court-martial, and the sentence is suspended in pursuance of the next following section after he has been committed to prison or an air-force establishment, the currency of the sentence shall be suspended from the beginning of the day after the day on which he is released in accordance with the provisions of the next following section until the beginning of the day on which the suspension is determined.

Duration of  
sentences of  
imprisonment  
and detention.

(2) Where any person serving an air-force sentence of imprisonment or detention becomes unlawfully at large during the currency of the sentence, then, in calculating the period for which he is liable to be imprisoned or detained in pursuance of the sentence, no account shall be taken of time elapsing during the period beginning with the day on which he became at large and

**PART II**  
—cont.

ending with the day on which, as a person having become unlawfully at large, he is taken into air-force, naval or military custody or the custody of a civil authority or (not having been taken into such custody) returns to the place in which he was imprisoned or detained before he became unlawfully at large :

Provided that if he satisfies such authority as may be specified in that behalf by or under Imprisonment and Detention Rules that during any time during the last-mentioned period he was—

(a) in the custody of a civil authority, or

(b) if and in so far as Imprisonment and Detention Rules so provide, in the custody of any air-force, naval or military authority of any country or territory outside the United Kingdom as respects which arrangements have been made under section one hundred and twenty-six of this Act,

the last-mentioned time shall not be disregarded in calculating the period for which he is liable to be imprisoned or detained in pursuance of the air-force sentence.

(3) In the last foregoing subsection the expression “civil authority” means a civil authority (whether of the United Kingdom or of any country or territory outside the United Kingdom) authorised by law to detain persons, and includes a constable.

(4) Without prejudice to subsection (2) of this section, where any person serving an air-force sentence of imprisonment or detention has in accordance with Imprisonment and Detention Rules been temporarily released on compassionate grounds, then, in calculating the period for which he is liable to be imprisoned or detained in pursuance of the sentence, no account shall be taken of time elapsing during the period beginning with the day after that on which he is released and ending with the day on which he is required to return to custody.

(5) A person who for any period is released as mentioned in the last foregoing subsection or who is otherwise allowed, in pursuance of Imprisonment and Detention Rules, out of any air-force establishment or otherwise out of air-force custody for any period or subject to any condition shall, on failure to return at the expiration of the period or to comply with the condition, be treated for the purposes of subsection (2) of this section as being unlawfully at large.

(6) A person serving an air-force sentence of imprisonment or detention in civil custody who, after being temporarily released under civil law, is at large at any time during the period for which he is liable to be detained in civil custody in pursuance of his sentence shall be deemed to be unlawfully at large if the period for which he was temporarily released has expired or if an order recalling him has been made in pursuance of civil law.

(7) References in the last foregoing subsection to release or recall under civil law are references to release or recall in pursuance of rules made under subsection (5) of section forty-seven of the Prison Act, 1952, subsection (6) of section thirty-five of the Prisons (Scotland) Act, 1952, or paragraph (c) of subsection (1) of section thirteen of the Prisons Act (Northern Ireland) 1953, or (in the case of a person serving his sentence outside the United Kingdom) in pursuance of any corresponding provision of the law of the country or territory in which he is serving his sentence.

**PART II**  
—*cont.*

**120.**—(1) The following provisions of this section shall have effect as respects the suspension of a sentence of imprisonment or detention passed by a court-martial on a warrant officer, non-commissioned officer or airman. Suspension of sentences.

(2) Without prejudice to subsection (5) of section one hundred and ten of this Act, in confirming such a sentence the confirming officer may order that the sentence shall be suspended.

(3) Any such sentence which is not for the time being suspended may, on the review or reconsideration of the sentence, be suspended by order of the authority reviewing or reconsidering the sentence.

(4) The suspension of any such sentence may (without prejudice to its again being suspended) be determined on the review or reconsideration of the sentence by an order of the said authority committing the person sentenced to imprisonment or detention, as the case may be.

(5) Where, while any such sentence is suspended, the person sentenced is sentenced by court-martial to imprisonment or detention for a fresh offence then (unless the balance of the earlier sentence is remitted by virtue of subsection (10) of section seventy-two of this Act)—

- (a) the court may determine the suspension of the earlier sentence by an order committing the person sentenced to imprisonment or detention, as the case may be, and if so the court shall direct whether the two sentences are to run concurrently or consecutively ;
- (b) if the court does not exercise the powers conferred by the last foregoing paragraph, the confirming officer may exercise those powers on the confirmation of the later sentence ;
- (c) if neither the court nor the confirming officer exercises the said powers, a reviewing authority may exercise those powers on the review of the later sentence ;

**PART II**  
—*cont.*

(d) where the said powers are exercised (whether by the court, the confirming officer or a reviewing authority), any power of suspension or remission exercisable in relation to the later sentence shall be exercisable also in relation to the earlier sentence :

Provided that this subsection has effect subject to the provisions of subsection (11) of section seventy-two of this Act.

(6) Without prejudice to the further suspension of the earlier sentence, an order under the last foregoing subsection directing that the suspension of that sentence shall be determined shall not be affected by the later sentence not being confirmed or by its being quashed.

(7) Where the sentence of a person in custody is suspended, he shall thereupon be released.

(8) The maximum intervals for the reconsideration, under subsection (2) of section one hundred and fourteen of this Act, of a sentence of imprisonment or detention which is suspended shall be three months, and not those specified under the said subsection.

*Execution of sentences of death, imprisonment and detention*

**Execution of  
sentences of  
death.**

**121.**—(1) The Secretary of State may make regulations with respect to the execution of sentences of death under this Act, whether passed in the United Kingdom or elsewhere.

(2) Without prejudice to the generality of the last foregoing subsection regulations under this section may make provision with respect to all or any of the following matters, that is to say—

- (a) the manner in which, the person by whom and the country or territory, place and kind of establishment (whether air-force or not) where any such sentence is to be executed ; and
- (b) the custody and treatment of the person under sentence and his removal from one place or establishment to another between the passing and execution of the sentence,

or may authorise such persons as may be specified in or determined by or under the regulations to give directions with respect to all or any of those matters.

(3) Such provost marshal or other provost officer not below the rank of squadron leader as may be specified in or determined under regulations under this section shall be responsible for the due execution of any sentence of death passed under this Act.

**122.**—(1) Subject to the provisions of this Act, the Secretary of State may make rules (in this Part of this Act referred to as **Imprisonment and Detention Rules**) with respect to all or any of the following matters, that is to say—

**PART II**  
—*cont.*  
**Imprisonment and detention rules.**

- (a) the places in which and the establishments or forms of custody (whether air-force or not) in which persons may be required to serve the whole or any part of air-force sentences of imprisonment and detention passed on them ;
- (b) the committal of persons under air-force sentences of imprisonment or detention to the appropriate establishment or form of custody, their removal from one country or place to another and from one establishment or form of custody to another and their release on the coming to an end of any term of imprisonment or detention ;
- (c) the provision, classification, regulation and management of air-force establishments ;
- (d) the classification, treatment, employment, discipline and control of persons serving air-force sentences of imprisonment or detention in air-force establishments or otherwise in air-force custody ;
- (e) the temporary release on compassionate grounds of persons serving such sentences in such establishments or custody as aforesaid, the cases in which, periods for which and conditions subject to which they may be allowed out of any such establishment or custody and the remission of part of any such sentence for good conduct and industry ;
- (f) the appointment, powers and duties of inspectors, visitors and governors, and of officers and other members of the staff, of air-force establishments.

(2) Imprisonment and Detention Rules shall not authorise the infliction of corporal punishment.

(3) Imprisonment and Detention Rules may apply with the necessary modifications all or any of the provisions of sections thirty-nine to forty-two of the Prison Act, 1952 (which relate to offences by persons other than prisoners).

(4) Imprisonment and Detention Rules may, to such extent as may be provided by the Rules, be made so as to apply to persons detained in air-force establishments while serving sentences of imprisonment or detention awarded under the Naval Discipline Act or the Army Act, 1955, notwithstanding that such persons are not for the time being subject to air-force law.

**PART II**  
—*cont.*

(5) The Secretary of State may as respects any area in which persons subject to air-force law are on active service delegate his power to make Imprisonment and Detention Rules to the officer commanding the command within which those persons are serving, subject to such restrictions, reservations, exceptions and conditions as the Secretary of State may think fit.

Supplementary provisions relating to regulations and rules under ss. 121 & 122.

**123.**—(1) Regulations made under section one hundred and twenty-one of this Act or Imprisonment and Detention Rules may contain such incidental and supplementary provisions as appear to the Secretary of State to be requisite for the purposes of the regulations or rules.

(2) Any such regulations or rules as aforesaid made by the Secretary of State shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Restrictions on serving of sentences of detention in prisons.

**124.** A person shall not be required to serve any part of an air-force sentence of detention in an air-force or civil prison:

Provided that in such cases and subject to such conditions as may be specified by or under Imprisonment and Detention Rules a person serving such a sentence may be temporarily detained in an air-force or civil prison for any period not exceeding seven days.

Special provisions as to civil prisons in the United Kingdom.

**125.**—(1) A person sentenced to death or imprisonment and committed or transferred to a civil prison in pursuance of regulations under section one hundred and twenty-one of this Act or of Imprisonment and Detention Rules shall while in that prison be confined and otherwise dealt with in the same manner as a person confined therein under a like sentence of a civil court.

(2) The Capital Punishment Amendment Act, 1868 and any rules made under section seven of that Act shall apply in relation to the execution in a civil prison of a sentence of death passed by a court-martial for any offence, but with the substitution in that Act for references to the sheriff of references to the provost marshal or other provost officer responsible for the due execution of the sentence.

Special provisions as to carrying out or serving of sentences outside the United Kingdom otherwise than in air-force establishments.

**126.**—(1) A Secretary of State may from time to time make arrangements with the authorities of any country or territory outside the United Kingdom whereby sentences of death passed by courts-martial may in accordance with regulations under section one hundred and twenty-one of this Act be carried out in establishments under the control of those authorities and air-force sentences of imprisonment or detention may in accordance with Imprisonment and Detention Rules be served wholly or partly in such establishments.



(2) The powers conferred on the Secretary of State by sections one hundred and twenty-one and one hundred and twenty-two of this Act shall extend to the making of such provision as appears to the Secretary of State necessary or expedient for giving effect to any arrangements made under the last foregoing subsection.

(3) The said powers shall be so exercised as to secure that no sentence of death passed by a court-martial shall be executed, and no air-force sentence of imprisonment or detention shall be served, in an establishment in any country or territory outside the United Kingdom not being an air-force establishment, except in accordance with arrangements made as respects that country or territory.

**127.**—(1) A person who is serving an air-force sentence of imprisonment or detention in the United Kingdom may (in so far as may be specified by or under Imprisonment and Detention Rules) be removed out of the United Kingdom—

Country in which sentence of imprisonment or detention to be served.

- (a) to any colony in which he was enlisted ; or
- (b) to any place out of the United Kingdom where the corps or unit to which for the time being he belongs is serving or is under orders to serve,

but not to any other place.

(2) Subject to the following provisions of this section, a person sentenced under this Act, by a court-martial held out of the United Kingdom, to imprisonment or detention for more than twelve months shall as soon as practicable after the confirmation of the sentence is completed be removed to the United Kingdom.

(3) The last foregoing subsection shall not apply in relation to any person belonging to a class of persons specified by or under Imprisonment and Detention Rules as persons whose removal to the United Kingdom would for reasons of climate, place of birth or place of enlistment or any other reason not be beneficial.

(4) Where a person has been sentenced under this Act, by a court-martial held out of the United Kingdom, to imprisonment or detention for more than twelve months, the confirming officer or reviewing authority may notwithstanding anything in subsection (2) of this section direct that he shall not be required to be removed to the United Kingdom until he has served such part of his sentence, not exceeding (in the case of a sentence of more than two years' imprisonment) two years, as may be specified in the direction ; and in determining whether or not to exercise the powers conferred by this subsection a confirming officer or reviewing authority shall have regard to any recommendation in that behalf made by the court-martial.

PART II  
—cont.

(5) Any direction of a confirming officer under this section may at any time be revoked by the confirming officer or by a reviewing authority, or superseded by any direction of the confirming officer or a reviewing authority which the officer or authority could have given under the last foregoing subsection ; and any direction of a reviewing authority under this section may at any time be revoked by a reviewing authority or superseded as aforesaid.

(6) Any direction given under this section, and the revocation of any such direction, shall be promulgated.

(7) In ascertaining at any time for the purposes of this section the nature or length of a sentence regard shall be had to any commutation or remission of the sentence previously directed.

Application of  
enactments  
relating to  
coroners.

**128.**—(1) Section five of the Capital Punishment Amendment Act, 1868 (which makes special provision for the holding of inquests on the bodies of persons on whom judgment of death has been executed within the jurisdiction of a coroner) shall apply in relation to the execution in any premises in the United Kingdom under the control of the Secretary of State within such jurisdiction of a sentence of death passed under this Act by a court-martial as it applies to the execution of a judgment of death passed by a civil court, but with the substitution for the reference to the sheriff of a reference to the provost marshal or other provost officer responsible for the due execution of the sentence.

(2) The Coroners Acts, 1887 to 1926 shall apply in relation to any premises in the United Kingdom under the control of the Secretary of State and allocated for the accommodation of persons sentenced by court-martial to imprisonment or detention as those Acts apply in relation to a prison.

Duties of  
governors of  
prisons and  
others to  
receive  
prisoners.

**129.**—(1) It shall be the duty of the governor of a civil prison, or, in so far as regulations under section one hundred and twenty-one of this Act or Imprisonment and Detention Rules so provide, of the superintendent or other person in charge of a prison (not being an air-force prison) in a colony, to receive any person duly sent to that prison in pursuance of the regulations or rules and to confine him until execution of the sentence is completed or the prisoner is discharged or delivered over in due course of law.

(2) Where a person is in air-force custody in pursuance of an air-force sentence of imprisonment or detention, then on receipt of a written order in that behalf purporting to be signed by that person's commanding officer it shall be the duty of any such governor, superintendent or other person as aforesaid, of the

police officer in charge of a police station or of any person in charge of any other place in which prisoners may be lawfully confined (whether the station or place is in the United Kingdom or in a colony), to keep that person in custody for a period not exceeding seven days unless the said person is earlier discharged or delivered over in due course of law.

PART II  
—cont.

130.—(1) In section one hundred and eighteen of this Act, the reference in subsection (2) to an air-force establishment shall include a reference to a military establishment (within the meaning of the Army Act, 1955). Application to military establishments and custody.

(2) In section one hundred and nineteen of this Act references to an air-force establishment and to Imprisonment and Detention Rules shall include respectively references to such a military establishment as aforesaid and to Imprisonment and Detention Rules made under the Army Act, 1955, and the reference in subsection (5) to air-force custody shall include a reference to military custody.

(3) In section one hundred and twenty-four of this Act the reference to an air-force prison shall include a reference to a military prison (within the meaning of the Army Act, 1955).

(4) In subsection (3) of section one hundred and twenty-six of this Act the reference to an air-force establishment shall include a reference to a military establishment (within the meaning of the Army Act, 1955).

*Trial of persons ceasing to be subject to air-force law and time limits for trials*

131.—(1) Subject to the provisions of the next following section, where an offence under this Act triable by court-martial has been committed, or is reasonably suspected of having been committed, by any person while subject to air-force law, then in relation to that offence he shall be treated, for the purposes of the provisions of this Act relating to arrest, keeping in custody, investigation of charges, trial and punishment by court-martial (including confirmation, review, reconsideration and suspension) and execution of sentences as continuing subject to air-force law notwithstanding his ceasing at any time to be subject thereto. Trial and punishment of offences under this Act notwithstanding offender ceasing to be subject to this Act.

(2) Where, while a person is in air-force or military custody by virtue of this section (whether before, during or after trial) he commits, or is reasonably suspected of having committed, an offence which if he were subject to air-force law would be an offence under this Act triable by court-martial, then in relation to that offence or suspected offence he shall be treated, for the

**PART II**  
—*cont.*

purposes of the provisions of this Act mentioned in the last foregoing subsection and the provisions thereof as to the summary dealing with charges, as having been subject to air-force law when the offence was committed or is suspected of having been committed and as continuing subject to air-force law thereafter.

(3) Where by virtue of either of the two last foregoing subsections a person is treated as being at any time subject to air-force law for the purpose of any provision of this Act, that provision shall apply to him—

- (a) if he holds any air-force rank, as to a person having that rank ;
- (b) if he holds any naval or military rank or rating, as to a person having the corresponding air-force rank ;
- (c) otherwise as to a person having the rank which he had when last actually subject to air-force law :

Provided that as respects any time after he has been sentenced for the offence in question and the sentence has been confirmed the said provision shall apply to him (in any case) as to an airman.

(4) Where apart from this subsection any provision of this Act would under the last foregoing subsection apply to a person, in relation to different offences, as to a person having different ranks, it shall apply to him as to a person having the lower or lowest of those ranks.

**Limitation of  
time for trial of  
offences under  
this Act.**

**132.**—(1) No person shall be tried by court-martial for any offence, other than one against section thirty-one or thirty-two of this Act or desertion, unless the trial is begun within three years after the commission of the offence, there being disregarded any time during which he was a prisoner of war and any time during which he was illegally absent :

Provided that—

- (a) in the case of an offence against section seventy of this Act where proceedings for the corresponding civil offence must, by virtue of any enactment, be brought within a limited time, that limit of time shall apply to the trial of the offence under the said section seventy in substitution for the foregoing provisions of this subsection ;
- (b) subject to any such limit of time as is mentioned in the last foregoing paragraph, a person may be tried by court-martial for a civil offence committed outside the United Kingdom notwithstanding that it was committed more than three years before the beginning of the trial, if the Attorney General consents to the trial.

(2) Where a person who has committed an offence of desertion, other than desertion on active service, has since the offence served as a member of the regular air force continuously in an exemplary manner for not less than three years, he shall not be tried for that offence.

(3) A person shall not be triable by virtue of subsection (1) of the last foregoing section unless his trial is begun within three months after he ceases to be subject to air-force law, or the trial is for a civil offence committed outside the United Kingdom and the Attorney General consents to the trial:

Provided that this subsection shall not apply to an offence against section thirty-one or thirty-two of this Act or desertion.

(4) A person shall not be arrested or kept in custody by virtue of subsection (1) of the last foregoing section for an offence at any time after he has ceased to be triable for the offence.

*Relations between air-force law and civil courts and finality of trials*

133.—(1) Nothing in this Act restricts the offences for which persons may be tried by any civil court, or the jurisdiction of any civil court to try a person subject to air-force law for any offence. Powers of civil courts.

(2) Where a person is tried by a civil court for any offence, and he has previously been sentenced by court-martial to punishment for any act or omission constituting (whether wholly or in part) that offence, or in pursuance of this Act he has been punished for any such act or omission by his commanding officer or the appropriate superior authority, the civil court shall, in awarding punishment, have regard to his punishment in pursuance of this Act.

134.—(1) Where a person subject to air-force law—

- (a) has been tried for an offence by a competent civil court or a court-martial (whether held under this Act, the Naval Discipline Act or the Army Act, 1955), or has had an offence committed by him taken into consideration by any such court in sentencing him, or
- (b) has been charged with an offence under this Act, the Naval Discipline Act or the Army Act, 1955, and has had the charge dismissed, or has been found guilty on the charge, by his commanding officer or the appropriate superior authority, or
- (c) has had an offence condoned by his commanding officer (whether air-force, naval or military),

he shall not be liable in respect of that offence to be tried by court-martial or to have the case dealt with summarily by his commanding officer or the appropriate superior authority.

**PART II**  
—cont.

(2) For the purposes of this section—

- (a) a person shall not be deemed to have been tried by a court-martial if confirmation is withheld of a finding by the court-martial that he is guilty of the offence ;
- (b) a person shall not be deemed to have had an offence taken into consideration by a court-martial in sentencing him if confirmation of the sentence of the court is withheld or the sentence is quashed ;
- (c) a case shall be deemed to have been dealt with summarily by the commanding officer or appropriate superior authority notwithstanding that the finding of that officer or authority has been quashed, or the award of that officer or authority quashed or varied, on the review thereof ;
- (d) an offence shall be deemed to have been condoned by the commanding officer of a person alleged to have committed the offence if, and only if, that officer or any officer authorised by him to act in relation to the alleged offence has with knowledge of all relevant circumstances informed him that he will not be charged therewith ;
- (e) a person ordered under subsection (2) of section fifty-seven of this Act or the corresponding provision of the Army Act, 1955 to be imprisoned or to undergo detention for an offence against that section or provision shall be deemed to have been tried by court-martial for the offence.

(3) Where confirmation of a finding of guilty of an offence is withheld the accused shall not be tried again by court-martial for that offence unless the order convening the later court-martial is issued not later than twenty-eight days after the promulgation of the decision to withhold confirmation.

(4) Save as provided in the foregoing provisions of this section, proceedings for an offence against this Act (whether before a commanding officer or appropriate superior authority or before a court-martial) shall not be barred on the ground of condonation.

*Inquiries*

Boards of  
inquiry.

**135.**—(1) Subject to and in accordance with the provisions of rules made under this section (hereinafter referred to as “board of inquiry rules”), the Air Council or any air-force, naval or military officer empowered by or under such rules so to do may convene a board of inquiry to investigate and report on the facts relating to—

- (a) the absence of any person subject to air-force law ;
- (b) the capture of any such person by the enemy ;

- (c) the death of any person in an air-force establishment, being an establishment in any country or territory outside the United Kingdom where an inquiry into the death is not required to be held by any civil authority ;
- (d) any other matter of a class specified in such rules or referred to such a board by the Air Council or any such officer as aforesaid ;

and a board of inquiry shall, if directed so to do, express their opinion on any question arising out of any matter referred to the board.

(2) A board of inquiry shall consist of not less than three members, who shall be persons subject to air-force law, the Naval Discipline Act or military law, and the president of a board of inquiry shall be an officer not below the rank of flight lieutenant or corresponding rank.

(3) Subject to the provisions of this section, board of inquiry rules may make provision with respect to the convening, constitution and procedure of boards of inquiry and, without prejudice to the generality of the foregoing, may make provision with respect to all or any of the following matters, that is to say:—

- (a) the rules of evidence to be observed by boards of inquiry and the taking of evidence before such boards, so however that the rules shall provide for the taking of evidence on oath or affirmation except in circumstances such that if the evidence were being taken at a court-martial an oath could be dispensed with ;
- (b) without prejudice to the provisions of the next following section, the making in service books of records of findings of boards of inquiry in such cases as may be provided by the rules ;
- (c) such incidental and supplementary matters as appear requisite for the purposes of the rules.

(4) Board of inquiry rules shall contain provision for securing that any witness or other person who may be affected by the findings of a board of inquiry shall have an opportunity of being present, and represented, at the sittings of the board or such part thereof as may be specified by or under the rules.

(5) Evidence given before a board of inquiry shall not be admissible against any person in proceedings before a court-martial, commanding officer or appropriate superior authority, other than proceedings for an offence against section fifty-eight of this Act or for an offence against section seventy of this Act where the corresponding civil offence is perjury.

(6) The power to make board of inquiry rules shall be exercisable by the Secretary of State by statutory instrument which shall be laid before Parliament.

PART II  
—cont.  
Inquiries into  
absence.

**136.**—(1) Where a board of inquiry inquiring into the absence of an officer, warrant officer, non-commissioned officer or airman reports that he has been absent without leave or other sufficient cause for a period specified in the report, not being less than twenty-one days, a record of the report shall in accordance with Queen's Regulations be entered in the service books.

(2) A record entered in pursuance of the last foregoing subsection shall, unless the absentee subsequently surrenders or is arrested, or the report of the board of inquiry is annulled by the Air Council or a subsequent board of inquiry, have the like effect as a conviction by court-martial for desertion.

Unit inquiries.

**137.**—(1) An officer of any of Her Majesty's air forces authorised in that behalf by or under regulations of the Air Council may cause an inquiry to be held, in such manner and by such person or persons subject to air-force law, the Naval Discipline Act or military law as may be specified by or determined under such regulations, into any matter so specified or determined:

Provided that an inquiry shall not be held in pursuance of this section into—

- (a) the absence of a person subject to air-force law, or
- (b) the capture of any such person by the enemy.

(2) Regulations of the Air Council made for the purposes of this section may make provision as to the rules of evidence to be observed at inquiries held in pursuance of this section and the taking of evidence at such inquiries, and may authorise the taking of evidence on oath or affirmation, and the administration of oaths, in such cases as may be specified by or under the regulations.

(3) Subsections (4) and (5) of section one hundred and thirty-five of this Act shall apply in relation to inquiries held in pursuance of this section with the substitution of references to regulations of the Air Council for references to board of inquiry rules and of references to an inquiry held in pursuance of this section for references to a board of inquiry.

#### *Miscellaneous provisions*

Restitution or  
compensation  
for theft, etc.

**138.**—(1) The following provisions shall have effect where a person has been convicted by court-martial of unlawfully obtaining any property, whether by stealing it, receiving it knowing it to have been stolen, fraudulently misapplying it or otherwise.

(2) If any of the property unlawfully obtained has been found in the possession of the offender, it may be ordered to be delivered or paid to the person appearing to be the owner thereof.



(3) If there has been found in the possession of the offender any property (other than money) appearing to have been obtained by him by the conversion or exchange of any of the property unlawfully obtained, the property may be ordered to be delivered to the person appearing to be the owner of the property unlawfully obtained.

(4) Where money is found in the possession of the offender, then whether or not it appears to have been obtained as aforesaid an order may be made that there shall be paid out of that money to the person appearing to be the owner of the property unlawfully obtained such sum as may be specified in the order as or towards compensation for the loss caused to the said person by the offence, in so far as not otherwise made good under this Act or by the recovery of the property unlawfully obtained.

(5) Where any of the property unlawfully obtained has been sold or given in pawn to some other person who did not then know it to have been unlawfully obtained, an order may be made that, subject to the restitution to the owner thereof of the property sold or given as aforesaid, there shall be paid to the said other person, out of any money found in the possession of the offender (whether or not the money appears to be proceeds of the sale or giving in pawn), such sum as may be specified in the order as or towards compensation for the loss caused to him in consequence of the sale or giving in pawn.

(6) Where any of the property unlawfully obtained has been given in exchange to some other person who did not then know it to have been unlawfully obtained, an order may be made that, subject to the restitution to the owner thereof of the property given as aforesaid, there shall be restored to the said other person the property taken in exchange for the property unlawfully obtained.

(7) An order under this section may be made by the court-martial by whom the offender is convicted, by the confirming officer or by any reviewing authority; and in this section the expression "appearing" means appearing to the court, officer or authority making the order.

(8) An order under this section made by a court-martial shall not have effect until confirmed by the confirming officer; and the provisions of this Part of this Act as to the confirmation and review of the proceedings of courts-martial shall apply to an order under this section as they apply to a sentence.

(9) The operation of any order under this section shall be suspended—

(a) in any case, until the expiration of the period prescribed under Part I of the Courts-Martial (Appeals) Act, 1951,

**PART II**  
—cont.

as the period within which an application for leave to appeal to the Courts-Martial Appeal Court against the conviction must be lodged ; and

- (b) if such an application is duly lodged, until either the application is finally refused or is withdrawn or the appeal is determined or abandoned ;

and where the operation of such an order as aforesaid is suspended under this section—

- (c) it shall not take effect if the conviction is quashed on appeal ;
- (d) the Courts-Martial Appeal Court may by order annul or vary the order although the conviction is not quashed ;
- (e) such steps shall be taken for the safe custody, during the period during which the operation of the order is suspended, of the property ordered to be restored or handed over or the money to which the order relates as may be provided by rules of court made under the said Act of 1951.

(10) Notwithstanding anything in the last foregoing subsection, an order under this section shall not, so far as it relates to the delivery of property to the person appearing to be the owner thereof, be suspended if the court, officer or authority making the order directs to the contrary in any case in which, in the opinion of the court, officer or authority, the title to the property is not in dispute.

(11) An order under this section shall not bar the right of any person, other than the offender or a person claiming through him, to recover any property delivered or paid in pursuance of such an order from the person to whom it is delivered or paid.

**Appointment  
of judge  
advocates.**

**139.** Without prejudice to the powers conferred by Her Majesty on the Judge Advocate General, the appointment of a judge advocate to act at any court-martial may, failing the making thereof by or on behalf of the Judge Advocate General, be made by the convening officer.

**Promulgation.**

**140.** Any finding, sentence, determination or other thing required by this Act to be promulgated shall be promulgated either by being communicated to the accused or in such other manner as may be specified by Queen's Regulations or as the confirming officer or reviewing authority, as the case may be, may direct.

**Custody of  
proceedings of  
courts-martial  
and right of  
accused to a  
copy thereof.**

**141.—(1)** The record of the proceedings of a court-martial shall be kept in the custody of the Judge Advocate General for not less than the prescribed period, being a period sufficient to

ensure that the rights conferred by the two next following subsections shall be capable of being exercised.

PART II  
—cont.

(2) Subject to the provisions of this section, any person tried by a court-martial shall be entitled to obtain from the Judge Advocate General on demand at any time within the relevant period and on payment therefor at such rate as may be prescribed a copy of the record of the proceedings of the court.

(3) Where a person tried by court-martial dies within the relevant period, his personal representatives or any person who in the opinion of the Judge Advocate General ought to be treated for the purposes of this subsection as his personal representative shall subject to the provisions of this section be entitled to obtain from the Judge Advocate General on demand at any time within the period of twelve months from the death and on payment therefor at the prescribed rate a copy of the record of the proceedings of the court.

(4) If, on an application in pursuance of either of the two last foregoing subsections for a copy of the record of any proceedings, the Secretary of State certifies that it is requisite for reasons of security that the proceedings or any part thereof should not be disclosed, the applicant shall not be entitled to a copy of the proceedings or part to which the certificate relates.

(5) In this section the expression “the relevant period”, in relation to any person tried by court-martial, means the period of five years beginning with the date of his acquittal or, where he was convicted, of the promulgation of the findings and sentence or, where a finding of guilty was not confirmed, of the promulgation of the withholding of confirmation :

Provided that where the proceedings relate to two or more charges and the person tried was acquitted on one or more of the charges and convicted on another or others, the relevant period shall be the period of five years beginning with the date of the promulgation of the finding or findings of guilty and the sentence thereon or of the withholding of confirmation of that finding or those findings.

(6) Any reference in this section to the record of the proceedings of a court-martial includes a reference to the record of the proceedings with respect to the confirmation or revision of the findings and sentence of the court-martial.

142. No action shall lie in respect of anything done by any person in pursuance of an air-force sentence of imprisonment or detention if the doing thereof would have been lawful but for a defect in any warrant or other instrument made for the purposes of that sentence. Indemnity for prison officers, etc.

**PART II**  
—*cont.*

Interpretation  
of Part II.

*Interpretation*

**143.**—(1) In this Part of this Act :—

“ air-force establishment ” means an air-force prison or any other establishment under the control of the Secretary of State where persons may be required to serve air-force sentences of imprisonment or detention ;

“ air-force prison ” means separate premises under the control of the Secretary of State and primarily allocated for persons serving air-force sentences of imprisonment ;

references to an air-force sentence of imprisonment are references to a sentence of imprisonment passed by court-martial ;

references to an air-force sentence of detention are references to a sentence of detention passed by a court-martial or awarded by the offender’s commanding officer ;

“ civil prison ” means a prison in the United Kingdom in which a person sentenced by a civil court to imprisonment can for the time being be confined ;

“ convening officer ”, in relation to a court-martial, means the officer convening that court-martial and includes his successor or any person for the time being exercising his or his successor’s functions ;

“ prescribed ” means prescribed by Rules of Procedure.

(2) For the purposes of subsection (2) of section eighty-seven and subsection (2) of section eighty-eight of this Act, and of the proviso to subsection (3) of section ninety thereof, any period of service on a commission in the Home Guard shall be disregarded.

(3) References in this Part of this Act to warrant officers do not include references to acting warrant officers.

(4) References in this Part of this Act to non-commissioned officers include references to acting non-commissioned officers and also to acting warrant officers.

**PART III**

**FORFEITURES AND DEDUCTIONS AND ENFORCEMENT OF  
MAINTENANCE LIABILITIES**

Forfeitures and  
deductions:  
general  
provisions.

**144.**—(1) No forfeiture of the pay of an officer, warrant officer, non-commissioned officer or airman of the regular air force shall be imposed unless authorised by this or some other Act, and no deduction from such pay shall be made unless so authorised or authorised by an order under section two of the Air Force (Constitution) Act, 1917.

(2) An order under section two of the Air Force (Constitution) Act, 1917, shall not authorise the making of any penal deduction, that is to say a deduction to be made by reason of the

commission of any offence or other wrongful act or in consequence of any negligence.

(3) The foregoing provisions of this section shall not prevent the making, by such an order or by any regulation, order or instruction of the Air Council, of provision for the imposition of any forfeiture authorised by Act or the making of any deduction so authorised, or for the time at which and manner in which sums may be deducted from pay to give effect to authorised deductions or in which amounts may be so deducted in order to recover any fine imposed in pursuance of this Act, or as to the appropriation of any such sum or amount when deducted, or of provision for the determination of questions relating to forfeitures or deductions.

(4) Subsection (2) of this section shall not prevent the making by an order under section two of the Air Force (Constitution) Act, 1917, of provision for the deduction from a person's pay as an officer, warrant officer, non-commissioned officer or airman of the regular air force of any sum which has become recoverable from him (whether by deduction from pay or otherwise) under the enactments relating to any of the reserve or auxiliary forces.

(5) Notwithstanding any deduction from the pay of an officer, warrant officer, non-commissioned officer or airman of the regular air force he shall (subject to any forfeiture) remain in receipt of pay at not less than such minimum rate as may be prescribed by order of the Air Council.

(6) Notwithstanding that forfeiture of a person's pay for any period has been ordered in pursuance of this Act, he may remain in receipt of pay at such minimum rate as aforesaid; but the amount received for that period may be recovered from him by deduction from pay.

(7) Any amount authorised to be deducted from the pay of an officer, warrant officer, non-commissioned officer or airman of the regular air force may be deducted from any balance (whether or not representing pay) which may be due to him, and references in this Act to the making of deductions from pay shall be construed accordingly.

**145.**—(1) The pay of an officer, warrant officer, non-commissioned officer or airman of the regular air force may be forfeited:— Forfeiture of pay for absence from duty.

(a) for any day of absence in such circumstances as to constitute an offence under section thirty-seven or thirty-eight of this Act or, if the Air Council or an officer authorised by them so direct, of other absence without leave;

(b) for any day of imprisonment, detention or field punishment awarded under this Act, the Naval Discipline Act or the Army Act, 1955, by a court-martial or

**PART III**  
—cont.

commanding officer, or of imprisonment, corrective training, preventive detention, detention in a Borstal institution or detention of any other description to which he is liable in consequence of an order or sentence of a civil court or an order of recall made by the Prison Commissioners, the Secretary of State or the Ministry of Home Affairs for Northern Ireland;

- (c) where he is found guilty (whether by court-martial, the appropriate superior authority or his commanding officer) of an offence under this Act, the Naval Discipline Act or the Army Act, 1955, for any day (whether before or after he is found guilty) on which he is in hospital on account of sickness or injury certified by the proper medical officer to have been occasioned by the offence.

(2) The pay of an officer, warrant officer, non-commissioned officer or airman of the regular air force may be forfeited for any day of absence by reason of his having been made a prisoner of war if the Air Council or an officer authorised by them are satisfied—

- (a) that he was made a prisoner of war through disobedience to orders or wilful neglect of his duty; or  
 (b) that having been made a prisoner of war he failed to take any reasonable steps available to him to rejoin Her Majesty's service; or  
 (c) that having been made a prisoner of war he served with or aided the enemy in the prosecution of hostilities or measures calculated to influence morale or in any other manner whatsoever not authorised by international usage,

and nothing in paragraph (a) of the last foregoing subsection shall apply to absence by reason of having been made a prisoner of war.

(3) Regulations or orders of the Air Council may make provision as to the computation of time for the purposes of this section and in particular as to the counting or disregarding of parts of days.

Deductions for payment of civil penalties.

**146.** Where an officer, warrant officer, non-commissioned officer or airman of the regular air force charged with an offence before a civil court (whether within or without Her Majesty's dominions) is sentenced or ordered by the court to pay any fine, penalty, damages, compensation or costs, and the whole or part thereof is met by a payment made by or on behalf of any air-force authority, the amount of the payment may be deducted from his pay.

Compensation for loss occasioned by wrongful act or negligence.

**147.—**(1) Without prejudice to the provisions of this Act as to the imposition of stoppages as a punishment, the following provisions shall have effect where, after such investigation as

may be prescribed by regulations of the Air Council, it appears to the Air Council or an officer authorised by them that any loss of, or damage to, public or service property has been occasioned by any wrongful act or negligence of an officer, warrant officer, non-commissioned officer or airman of the regular air force (hereinafter referred to as "the person responsible").

PART III  
—cont.

(2) The Air Council or authorised officer, as the case may be, may order the person responsible to pay, as or towards compensation for the loss or damage, such sum as may be specified in the order; and any such sum, in so far as not otherwise paid by the person responsible, may be deducted from his pay.

(3) No order shall be made under the last foregoing subsection if, in proceedings (whether under this Act, the Naval Discipline Act or the Army Act, 1955) before a court-martial, the appropriate superior authority or the commanding officer of the person responsible, that person—

(a) has been acquitted in circumstances involving a finding that he was not guilty of the wrongful act or negligence in question, or

(b) has been awarded stoppages in respect of the same loss or damage;

but save as aforesaid, the fact that any such proceedings have been brought in respect of the wrongful act or negligence in question shall not prevent the making of an order or deductions under the last foregoing subsection.

**148.**—(1) Where damage occurs to any premises in which one or more units of the regular air force or parts of such units are quartered or billeted, or any fixtures, furniture or effects in or belonging to such premises are damaged or lost, then if it appears, on investigation in accordance with the provisions of Queen's Regulations, that the damage or loss was occasioned by the wrongful act or negligence of persons belonging to any of the units or parts of units in occupation of the premises and was so occasioned at a time when they were in occupation thereof, but that the said persons cannot be identified, any person belonging to any of the said units or parts of units may be required to contribute towards compensation for the damage or loss such amount as may in accordance with Queen's Regulations be determined to be just, and the amount may be deducted from his pay. Deductions for  
barrack  
damage.

(2) The last foregoing subsection shall extend to ships, trains and aircraft in which units or parts of units of the regular air force are being transported, and references to premises, quartering and occupation shall be construed accordingly.

**149.** Any forfeiture or deduction imposed under the four last foregoing sections or under an order under section two of the Air Force (Constitution) Act, 1917, may be remitted by the Remission of  
forfeitures and  
deductions.

**PART III** Air Council or in such manner and by such authority as may  
 —*cont.* be provided by the order.

**Enforcement of  
 maintenance  
 and affiliation  
 orders by  
 deduction from  
 pay.**

**150.**—(1) Where any court in the United Kingdom has made an order against any person (hereinafter referred to as “the defendant”) for the payment of any periodical or other sum specified in the order for or in respect of—

- (a) the maintenance of his wife or child or of any illegitimate child of whom he is the putative father ; or
- (b) any costs incurred in obtaining the order ; or
- (c) any costs incurred in proceedings on appeal against, or for the variation, revocation or revival of, any such order,

and the defendant is an officer, warrant officer, non-commissioned officer or airman of the regular air force, then (whether or not he was a member of that force when the said order was made) the Air Council or an officer authorised by them may order such sum to be deducted from the pay of the defendant and appropriated in or towards satisfaction of the payment due under the order of the court as the Air Council or officer think fit.

(2) Where to the knowledge of the court making any such order as aforesaid, or an order varying, revoking or reviving any such order, the defendant is an officer, warrant officer, non-commissioned officer or airman of the regular air force, the court shall send a copy of the order to the Air Council or an officer authorised by them.

(3) Where such an order as is mentioned in subsection (1) of this section has been made by a court in Her Majesty's dominions outside the United Kingdom, and the Air Council or an officer authorised by them are satisfied that the defendant has had a reasonable opportunity of appearing in person, or has appeared by a duly authorised legal representative, to defend the case before the court by which the order was made, the Air Council or officer shall have the like power under subsection (1) of this section as if the order had been made by such a court as is mentioned in that subsection :

Provided that this subsection shall not apply to an order for payment of a sum for or in respect of the maintenance of an illegitimate child or for the payment of costs incurred in obtaining such an order or in proceedings on appeal against, or for the variation, revocation or revival of, such an order.

(4) The Air Council or an officer authorised by them may by order vary or revoke any order previously made under this section, and may treat any order made under this section as being in suspense at any time while the person against whom the order was made is absent as mentioned in paragraph (a) of subsection (1) of section one hundred and forty-five of this Act.



## (5) In this section—

references to an order made by a court in the United Kingdom include references to an order registered in or confirmed by such a court under the provisions of the Maintenance Orders (Facilities for Enforcement) Act, 1920 ;

references to a wife or child include, in relation to an order made in proceedings in connection with the dissolution or annulment of a marriage, references to a person who would have been the wife or child of the defendant if the marriage had subsisted ;

references to a sum ordered to be paid for or in respect of the maintenance of an illegitimate child include references to any sum ordered to be paid by an order under section four of the Bastardy Laws Amendment Act, 1872.

**151.**—(1) Where the Air Council or an officer authorised by them are satisfied that an officer, warrant officer, non-commissioned officer or airman of the regular air force is neglecting, without reasonable cause, to maintain his wife or any child of his under the age of sixteen the Air Council or officer may order such sum to be deducted from his pay and appropriated towards the maintenance of his wife or child as the Air Council or officer think fit.

Deductions  
from pay for  
maintenance of  
wife or child.

(2) On an application made to the Air Council or an officer authorised by them for an order under the last foregoing subsection the Air Council or officer, if satisfied that a prima facie case has been made out for the making of such an order, may make an interim order for such deduction and appropriation as is mentioned in the last foregoing subsection to take effect pending the further examination of the case.

(3) Where an order is in force under subsection (1) or subsection (3) of the last foregoing section for the making of deductions in favour of any person from the pay of an officer, warrant officer, non-commissioned officer or airman of the regular air force, no deductions from his pay in favour of the same person shall be ordered under the foregoing provisions of this section unless the officer, warrant officer, non-commissioned officer or airman is in a place where process cannot be served on him in connection with proceedings for the variation of the order of the court in consequence of which the order under the last foregoing section was made.

(4) The Air Council or an officer authorised by them may by order vary or revoke any order previously made under this section, and may treat any order made under this section as being in suspense at any time while the person against whom the order was made is absent as mentioned in paragraph (a) of subsection (1) of section one hundred and forty-five of this Act.

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—cont.

(5) The power to make an order under this section for the deduction of any sum and its appropriation towards the maintenance of a child shall include power—

- (a) subject to the provisions of subsection (3) of this section, to make such an order after the child has attained the age of sixteen, if an order in favour of the child is in force under subsection (1) or subsection (3) of the last foregoing section ; or
- (b) to make such an order after the child has attained the age of sixteen if—
  - (i) such an order of the court as is mentioned in subsection (1) of the last foregoing section was in force in favour of the child at the time when the child attained that age, and
  - (ii) the person from whose pay the deductions are ordered is in such a place as is mentioned in subsection (3) of this section, and
  - (iii) the child is for the time being engaged in a course of education or training ; or
- (c) to continue such an order from time to time after the child has attained the age of sixteen, if the child is for the time being engaged in a course of education or training ;

but no order so made or continued shall remain in force after the child attains the age of twenty-one or shall, unless continued under paragraph (c) of this subsection, remain in force for more than two years.

Limit of deductions under ss. 150 and 151 and effect on forfeiture.

**152.**—(1) The sums deducted under the two last foregoing sections shall not together exceed—

- (a) in the case of an officer, three-sevenths of his pay ;
- (b) in the case of a warrant officer or non-commissioned officer not below the rank of sergeant, two-thirds of his pay ;
- (c) in the case of an airman or non-commissioned officer below the rank of sergeant, three-fourths of his pay.

(2) Where any deductions have been ordered under either of the two last foregoing sections from a person's pay and (whether before or after the deductions have been ordered) he incurs a forfeiture of pay by or in consequence of the finding or sentence of a court-martial or the finding or award of the appropriate superior authority or his commanding officer, it shall apply only to so much of his pay as remains after the deductions have been made.

(3) For the purposes of paragraphs (b) and (c) of subsection (1) of this section a person having acting rank shall be treated as of that rank.

**153.**—(1) Any process to be served on an officer, warrant officer, non-commissioned officer or airman of the regular air force (hereinafter referred to as “the defendant”) in connection with proceedings for any such order of a court in the United Kingdom as is mentioned in subsection (1) of section one hundred and fifty of this Act, or for the variation, revocation or revival of such an order, shall be deemed to be duly served on him if served either on him or his commanding officer, and may, without prejudice to any other method of service, be so served by registered post.

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—cont.

Service of process in maintenance proceedings.

(2) Where any such process appoints a hearing at a place more than twenty miles from the place where the defendant is then stationed and his appearance in person will be required at the hearing, the service of the process shall not be valid unless there is left with it, in the hands of the person on whom it is served, a sum of money sufficient to enable the defendant to attend the hearing and return.

(3) Where any such process as is mentioned in subsection (1) of this section is served in the United Kingdom and the defendant will be required to appear in person at the hearing, then if his commanding officer certifies to the court by which the process was issued that the defendant is under orders for active service out of the United Kingdom and that in the commanding officer’s opinion it would not be possible for the defendant to attend the hearing and return in time to embark for that service, the service of the process shall be deemed not to have been effected.

#### PART IV

#### BILLETING AND REQUISITIONING OF VEHICLES

##### *Billeting*

**154.** At any time when this section is in operation any officer not below the rank of squadron leader commanding any part of the regular air force in the United Kingdom may issue a billeting requisition requiring the chief officer of police for any area in the United Kingdom specified in the requisition to provide billets at such places in that area, for such numbers of members of Her Majesty’s forces and, if the requisition so provides, for such number of vehicles in use for the purpose of Her Majesty’s forces, being vehicles of any class specified in the requisition, as may be so specified.

Billeting requisitions.

**155.**—(1) Billets, other than for vehicles, may be provided in pursuance of a billeting requisition—

Premises in which billets may be provided.

- (a) in any inn or hotel (whether licensed or not) or in any other premises occupied for the purposes of a business consisting of or including the provision of sleeping accommodation for reward ;

**PART IV**  
—*cont.*

(b) in any building not falling within the last foregoing paragraph, being a building to which the public habitually have access, whether on payment or otherwise, or which is wholly or partly provided or maintained out of rates ;

(c) in any dwelling, outhouse, warehouse, barn or stables ; but not in any other premises.

(2) Billets for vehicles may be provided as aforesaid in any building or on any land.

**Provision of  
billets.**

**156.**—(1) Where a billeting requisition has been produced to the chief officer of police for the area specified in the requisition he shall, on the demand of the officer commanding any portion of the regular air force, or on the demand of an officer or airman authorised in writing by such an officer commanding, billet on the occupiers of premises falling within the last foregoing section, being premises at such place in that area as may be specified by the officer or airman by whom the demand is made, such number of persons or vehicles as may be required by that officer or airman, not exceeding the number specified in the requisition.

(2) Without prejudice to the provisions of the next following section, a chief officer of police shall exercise his functions under this section in such manner as in his opinion will cause least hardship to persons on whom billeting may take place.

(3) A chief officer of police may to such extent and subject to such restrictions as he thinks proper authorise any constable, or constables of any class, to exercise his said functions on his behalf, and the foregoing provisions of this section shall apply accordingly.

**Billeting  
schemes.**

**157.**—(1) A local authority may make a scheme for the provision of billets in their area in pursuance of billeting requisitions ; and where such a scheme is in force the chief officer of police shall so far as the scheme extends exercise his functions under the last foregoing section in accordance with the scheme.

(2) Any scheme under this section may be revoked by the local authority by whom it was made, or may be varied by that authority by a subsequent scheme under this section.

(3) Where a local authority make a scheme under this section they shall furnish the chief officer of police for the area to which the scheme relates with a copy of the scheme.

(4) A scheme under this section shall not come into force until approved by the Minister of Housing and Local Government ; and that Minister may require the local authority to

revoke any scheme in force under this section and in substitution therefor to submit for his approval a further scheme under this section.

**PART IV**  
—cont.

**158.**—(1) Where persons are billeted in pursuance of a billeting requisition, the occupier of the premises on which they are billeted shall furnish such accommodation (including meals) as the officer or airman demanding the billets may require, not exceeding such accommodation as may be prescribed by regulations of the Air Council made with the consent of the Treasury.

Accommodation to be provided and payment therefor.

(2) Where vehicles are billeted as aforesaid, the occupier of the premises shall furnish standing room for the vehicles.

(3) Where persons or vehicles have been billeted in pursuance of a billeting requisition they may continue to be billeted, so long as section one hundred and fifty-four of this Act continues in operation, for such period as may be required, and the allotment of billets among the persons or vehicles in question may be varied from time to time.

(4) The occupier on whose premises any person or vehicle is billeted as aforesaid shall be entitled to receive for the billeting such payment as may be prescribed by regulations of the Air Council made with the consent of the Treasury:

Provided that no payment shall be required in respect of vehicles billeted otherwise than in a building unless the land on which they are billeted—

- (a) has its surface made up for the passage or parking of vehicles, and
- (b) is not land where vehicles are normally allowed to stand free of charge irrespective of the person by whom they are owned or driven.

(5) Subject to the provisions of the next following subsection, payment for billeting—

- (a) shall be made before the persons billeted finally leave, or the vehicles are finally removed from, the premises where they are billeted; and
- (b) where the billeting continues for more than seven days, shall be made at least once in every seven days.

(6) If for any reason payment for billeting cannot be made, or fully made, as required by paragraph (a) of the last foregoing subsection, there shall be made up with the occupier an account

PART IV  
—cont.

in such form as may be prescribed by the Air Council of the amount due to him ; and—

- (a) on presentation of the account the local authority for the area in which the premises are situated shall pay to the occupier the amount stated in the account to be due,
- (b) any sums paid by a local authority under the last foregoing paragraph shall be recoverable by them from the Air Council.

(7) In relation to premises of which there is no occupier the foregoing provisions of this section shall apply as if the person entitled to possession thereof were the occupier thereof.

Appeals against  
billeting.

159.—(1) Any person who—

- (a) is aggrieved by having an undue number of persons billeted upon him in pursuance of a billeting requisition, or
- (b) claims that by reason of special circumstances he should be exempted from having persons so billeted on him, either generally or on a particular occasion,

may apply to a person or persons appointed on behalf of the local authority in accordance with arrangements made by the Minister of Housing and Local Government.

(2) On any application on the grounds mentioned in paragraph (a) of the last foregoing subsection the person or persons to whom the application is made may direct the billeting elsewhere of such number of the persons billeted as may seem just or may dismiss the application.

(3) On any application on the grounds mentioned in paragraph (b) of subsection (1) of this section the person or persons to whom the application is made may grant such exemption as may seem just or may dismiss the application.

(4) An application under this section shall not affect billeting pending the determination of the application.

Compensation  
for damage.

160.—(1) Where any damage is caused to any premises by the billeting of persons or vehicles in pursuance of a billeting requisition, the occupier of the premises, or if there is no occupier the person entitled to possession thereof, may recover from the Air Council compensation of an amount equal to the depreciation caused by the damage in the value of the premises.

(2) Where any person other than the recipient of compensation under the last foregoing subsection has any interest in the premises, being an interest the value of which is depreciated by the damage, he shall be entitled to recover from the recipient such part of the compensation as may be just.

(3) A county court shall have jurisdiction to deal with any claim arising under subsection (1) or (2) of this section irrespective of the amount of the claim.

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—cont.

**161. Any person who—**

- (a) refuses to receive any person billeted upon him in pursuance of a billeting requisition or without reasonable excuse fails to furnish him with the accommodation properly required for him, or
- (b) gives or agrees to give to any person billeted upon him in pursuance of a billeting requisition any money or reward in lieu of receiving any person or vehicle or of furnishing accommodation properly required for him, or
- (c) obstructs the billeting in his building or on his land of any vehicle,

Refusal to receive persons billeted, etc.

shall be liable on summary conviction to a fine not exceeding fifty pounds, or to imprisonment for a term not exceeding three months, or to both such a fine and such imprisonment.

**162. In relation to persons employed with any body of the regular air force and not entitled under the foregoing provisions of this Part of this Act to be billeted, being persons of such descriptions as may be prescribed by regulations of the Air Council, those provisions shall apply as they apply in relation to members of Her Majesty's forces.**

Application to civilians employed with air force.

**163. For the purposes of this Part of this Act the local authority shall be the council of a county borough, county district or metropolitan borough or the Common Council of the City of London.**

Local authority.

**164. While section one hundred and fifty-four of this Act is in operation, so much of any law as prohibits, restricts or regulates quartering or billeting on any inhabitant of the United Kingdom shall not apply to such billeting in pursuance of a billeting requisition.**

Suspension of laws against billeting.

*Requisitioning of vehicles*

**165.—(1) At any time when this section is in operation any officer not below the rank of squadron leader commanding any part of the regular air force in the United Kingdom may issue a requisitioning order authorising the requisitioning, from among vehicles in any area in the United Kingdom specified in the order, of such vehicles, or such number of vehicles of such description, as may be specified in the order.**

Requisitioning orders.

(2) The purposes for which an order under this section may authorise vehicles to be requisitioned shall be such purposes for

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**PART IV**  
—*cont.*

meeting the needs of any of Her Majesty's forces as may be specified in the order.

**Provision of  
vehicles.**

**166.—(1)** A requisitioning order may be issued to the officer commanding any portion of the regular air force, and that officer, or any officer or airman authorised by him in writing, may give directions for the provision—

- (a) in so far as the requisitioning order authorises the requisitioning of particular vehicles, of all or any of those vehicles.
- (b) in so far as the order authorises the requisitioning of vehicles of a specified description, of the number of vehicles of that description specified in the order or any lesser number of such vehicles.

(2) A direction under the last foregoing subsection given as respects any vehicle shall be either—

- (a) a direction given to the person having possession thereof to furnish it immediately at the place where it is, or
- (b) a direction given to the said person to furnish it at such place within one hundred miles from the premises of the said person and at such time as may be specified by the officer or airman by whom the direction is given :

Provided that no direction shall be given under paragraph (b) of this subsection as respects a vehicle which is neither mechanically propelled nor a trailer normally drawn by a mechanically-propelled vehicle.

(3) If the officer to whom the requisitioning order was issued, or any officer or airman authorised by him in writing, is satisfied that the said person has refused or neglected to furnish a vehicle in accordance with a direction under any of the provisions of the last foregoing subsection, or has reasonable ground for believing that it is not practicable without undue delay to give a direction to the said person, he may take, or authorise any officer or airman to take, possession of the vehicle ; and where possession is taken of a vehicle in pursuance of this subsection this Part of this Act shall with the necessary modifications apply as if the vehicle had been furnished by the person having possession of the vehicle in accordance with a direction to furnish it immediately at the place where it is, and, in particular, payment shall be made therefor as if it had been so furnished.

(4) The chief officer of police for any area specified in a requisitioning order shall, on a request to that effect made by or on behalf of the officer to whom the order is issued, give instructions for securing that so far as practicable constables



will be available, if required, for accompanying officers or airmen requisitioning vehicles in pursuance of the order.

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—cont.

**167.**—(1) Subject to the provisions of this section, where a vehicle has been furnished in pursuance of a requisitioning order it may be retained, so long as section one hundred and sixty-five of this Act is in operation, for any period for which it is required for the purpose specified in the order or for any other purpose connected with the needs of any of Her Majesty's forces.

Period for which vehicles to be furnished.

(2) While men of the air force reserve are called out on permanent service, then in so far as a requisitioning order so provides the person by whom any vehicle is to be furnished may be required to furnish it for the purpose of its being purchased on behalf of the Crown.

**168.**—(1) The person by whom a vehicle is furnished in pursuance of a requisitioning order, and is so furnished otherwise than for the purpose of being purchased, shall be entitled to be paid—

Payment for vehicles furnished.

- (a) a sum for the use of the vehicle calculated, by reference to the period for which possession of the vehicle is retained, at the rate of payment commonly recognised or generally prevailing in the district at the time at which the vehicle is furnished, or, in default of such a rate, at such rate as may be just,
- (b) a sum equal to the cost of making good any damage to the vehicle, not being damage resulting in a total loss thereof or damage attributable to fair wear and tear, which may have occurred during the period for which possession of the vehicle is retained and which has not been made good during that period by a person acting on behalf of Her Majesty,
- (c) if, during the said period, a total loss of the vehicle occurs, a sum equal to the value of the vehicle immediately before the occurrence of the damage which caused the loss.

In paragraph (b) of this subsection and in the Fourth Schedule to this Act references to fair wear and tear shall be construed as references to such fair wear and tear as might have been expected to occur but for the fact that the vehicle was requisitioned.

(2) The person by whom a vehicle is furnished in pursuance of a requisitioning order for the purpose of being purchased shall be entitled to be paid the value of the vehicle at the time at which it is furnished.

**PART IV**  
—*cont.*

(3) Where a vehicle is furnished in pursuance of a direction under paragraph (b) of subsection (2) of section one hundred and sixty-six of this Act, then—

- (a) for the purposes of paragraphs (a) and (b) of subsection (1) of this section (if that subsection applies) the period for which possession of the vehicle is retained shall be deemed to begin at the time when the direction is given, and for the purposes of subsection (2) of this section (if that subsection applies) the vehicle shall be deemed to have been furnished at that time;
- (b) in addition to the payments provided for by subsection (1) or (2) of this section, the person by whom the vehicle is furnished shall be entitled to be paid the amount of any expenditure reasonably incurred by him in complying with the direction.

(4) Where a direction to furnish a vehicle is given under the said paragraph (b), and after the giving of the direction any damage occurs to the vehicle (whether or not resulting in a total loss thereof), then if the damage prevents the furnishing of the vehicle in pursuance of the requisitioning order the foregoing provisions of this section shall apply as if the vehicle had been furnished, and (notwithstanding that it may have been required to be furnished for the purpose of being purchased) had been furnished otherwise than for that purpose, subject however to the following modifications, that is to say—

- (a) paragraphs (a), (b) and (c) of subsection (1) of this section shall have effect as if for the period therein mentioned there were substituted the period beginning with the giving of the direction and ending immediately after the occurrence of the damage,
- (b) paragraph (b) of the last foregoing subsection shall have effect as if for the words “in complying with” there were substituted the words “by reason of anything done for the purpose of complying with”.

(5) Where any person (hereinafter referred to as a person interested) other than the person by whom a vehicle is required to be furnished has an interest in the vehicle,—

- (a) the person by whom the vehicle is required to be furnished shall notify any person known to him to be a person interested that the vehicle has been requisitioned.
- (b) any person interested shall be entitled to recover from the person by whom the vehicle was required to be furnished such part (if any) of the payment received by him for the vehicle as may be just.

(6) The Fourth Schedule to this Act shall have effect as to the time for the making of payments under this section and as to the determination of disputes arising thereunder.

PART IV  
—cont.

(7) Where, during the period for which possession of a vehicle is retained, a total loss of the vehicle occurs, then—

- (a) for the purposes of paragraphs (a) and (b) of subsection (1) of this section and of the Fourth Schedule to this Act the said period shall be deemed to have come to an end immediately after the occurrence of the loss, and
- (b) no claim shall be made for the return of the vehicle (if it still exists) or for payment in respect thereof other than such as is provided for by subsection (1) of this section.

**169.** In deciding which, of alternative vehicles, is to be specified in an order under section one hundred and sixty-five of this Act, or is to be the subject of a direction under paragraph (b) of subsection (1) of section one hundred and sixty-six thereof, the officer or airman by whom the order is issued or direction given shall act in such manner as in his opinion will cause least hardship.

Avoidance of hardship in requisitioning of vehicles.

**170.** The Air Council may by regulations require persons having in their possession in the United Kingdom mechanically-propelled vehicles, or trailers normally drawn by mechanically-propelled vehicles, if required so to do by such authority or person as may be specified in the regulations,—

Record and inspection of mechanically-propelled vehicles.

- (a) to furnish to such authority or person as may be so specified a return containing such particulars as to the vehicles as may be required by or under the regulations, and
- (b) to afford all reasonable facilities for enabling any such vehicles in his possession to be inspected and examined, at such times as may be specified by or under the regulations, by such authority or person as may be so specified.

**171.—**(1) If any person—

- (a) fails to furnish any vehicle which he is directed to furnish in pursuance of a requisitioning order, or fails to furnish any such vehicle at the time and place at which he is directed to furnish it, or
- (b) fails to comply with any regulations of the Air Council under the last foregoing section, or

Enforcement of provisions as to requisitioning.

PART IV  
—cont.

(c) obstructs any officer or other person in the exercise of his functions under this Part of this Act in relation to the inspection or requisitioning of vehicles,

he shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds, or to imprisonment for a term not exceeding three months, or to both such a fine and such imprisonment.

(2) Without prejudice to any penalty under the last foregoing subsection, if any person is obstructed in the exercise of powers of inspection conferred on him by regulations under the last foregoing section, a justice of the peace may, if satisfied by information on oath that the person has been so obstructed, issue a search warrant authorising a constable named therein, accompanied by the said person, to enter the premises in respect of which the obstruction took place at any time between six o'clock in the morning and nine o'clock in the evening and to inspect any vehicles which may be found therein.

Application to  
aircraft and  
stores.

172.—(1) Subject to the provisions of this section, the foregoing provisions of this Part of this Act and the provisions of the Fourth Schedule thereto, shall apply to aircraft and stores as they apply to vehicles except that such of those provisions as relate only to mechanically-propelled vehicles and trailers normally drawn thereby shall not apply to stores.

(2) Where stores are required for, and can be conveyed with, a vehicle or aircraft with respect to which a direction is given under paragraph (b) of subsection (2) of section one hundred and sixty-six of this Act, such a direction may be given as well in relation to the stores as in relation to the vehicle or aircraft, and the said foregoing provisions and Schedule shall apply accordingly:

Provided that subsection (4) of section one hundred and sixty-eight of this Act shall not apply, but if after the giving of the direction the furnishing of the stores is prevented by damage to them or to the vehicle or aircraft such payment (if any) shall be made in respect of the stores as may be just in all the circumstances.

(3) Notwithstanding anything in section one hundred and sixty-seven of this Act, stores to be furnished in pursuance of a requisitioning order at any time may be required to be furnished for purchase on behalf of the Crown.

(4) In this section the expression “stores” means any chattel other than a vehicle or aircraft being a chattel required for, or for use in connection with,—

(a) persons or vehicles or aircraft billeted or to be billeted in pursuance of a billeting requisition or otherwise temporarily accommodated or to be so accommodated, or

(b) vehicles or aircraft furnished or to be furnished in pursuance of a requisitioning order.

PART IV  
—cont.

**173.** The person using a vehicle for the purpose of its being furnished in pursuance of a direction under paragraph (b) of subsection (2) of section one hundred and sixty-six of this Act shall be deemed, as respects any claim in respect of injury or damage to any other person or property, to be so using the vehicle as a servant of the Crown, and section thirty-five of the Road Traffic Act, 1930 (which relates to insurance against third party risks) shall not apply to the use of a vehicle for the said purpose.

*Liability of Crown for damage by vehicles being delivered for requisitioning.*

### General

**174.—(1)** Whenever it appears to the Secretary of State that the public interest so requires, he may by order direct that section one hundred and fifty-four or one hundred and sixty-five of this Act, or both those sections, shall come into operation either generally or as respects such area in the United Kingdom as may be specified in the order; and that section or those sections, as the case may be, shall thereupon come into operation and remain in operation so long as the order has effect.

*Bringing into operation of ss. 154 and 165.*

(2) As soon as may be after either of the said sections has been brought into operation on any occasion, the Secretary of State shall report that fact to Parliament.

(3) An order under this section shall, subject to any revocation or variation thereof, continue to have effect for the period of one month from the making thereof:

Provided that where, before the expiration of the period for which the order has effect (whether by virtue of the foregoing provisions of this subsection or of this proviso), it is resolved by each House of Parliament that the public interest requires that the operation of the order should be extended for such further period as may be specified in the resolution, it shall be extended accordingly.

**175.—(1)** Any power to make regulations conferred by this Part of this Act shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

*Regulations and orders.*

(2) The power to make orders conferred on the Secretary of State by the last foregoing section shall be exercisable by statutory instrument.

**176.** References in this Part of this Act to airmen shall include references to warrant officers and to non-commissioned officers.

*Interpretation of Part IV.*

## PART V

## GENERAL PROVISIONS

*Powers of command*

Powers of  
command.

**177.**—(1) It is hereby declared for the avoidance of doubt that Her Majesty may make regulations as to the persons, being members of Her Majesty's forces, in whom command over Her Majesty's air forces, or any part or member thereof, is to be vested and as to the circumstances in which such command as aforesaid is to be exercised.

(2) In relation to members of Her Majesty's air forces when in aircraft, the last foregoing subsection shall have effect as if references to members of Her Majesty's forces included references to any person in command of an aircraft.

(3) Nothing in this section shall affect any power vested in Her Majesty apart from this section.

Powers of  
command of  
members of  
co-operating  
naval or  
military forces.

**178.** In so far as powers of command depend on rank, a member of any of Her Majesty's naval or military forces who—

(a) is acting with, or

(b) is a member of a body of any of those forces which is acting with,

any body of the regular air force shall have the like such powers as a member of the regular air force of corresponding rank ; and for the purposes of sections thirty-three and seventy-four of this Act any such member of the said naval or military forces shall be treated as if he were a member of the regular air force of corresponding rank.

*Attachment to naval or military forces*

Attachment of  
members of  
air forces to  
naval or  
military forces.

**179.**—(1) An officer, warrant officer, non-commissioned officer or airman of the regular air force may be attached temporarily to any of Her Majesty's naval or military forces.

(2) Regulations made by the appropriate service authorities may prescribe circumstances in which officers, warrant officers, non-commissioned officers and airmen of the regular air force shall be deemed to be attached to any of Her Majesty's naval or military forces, as the case may be, under the last foregoing subsection.

(3) In this section the expression "appropriate service authorities" means—

(a) in relation to attachment to any of Her Majesty's naval forces, the Admiralty and the Air Council,

(b) in relation to attachment to any of Her Majesty's military forces, the Army Council and the Air Council.

(4) A person shall not cease to be subject to air-force law by reason only of attachment in pursuance of this section.

*Redress of complaints*PART V  
—cont.

**180.**—(1) If an officer thinks himself wronged in any matter by a superior officer or authority and on application to his commanding officer does not obtain the redress to which he thinks he is entitled, he may make a complaint with respect to that matter to the Air Council.

Complaints  
by officers.

(2) On receiving any such complaint it shall be the duty of the Air Council to investigate the complaint and to grant any redress which appears to them to be necessary or, if the complainant so requires, the Air Council shall through the Secretary of State make their report on the complaint to Her Majesty in order to receive the directions of Her Majesty thereon.

**181.**—(1) If a warrant officer, non-commissioned officer or airman thinks himself wronged in any matter by any officer other than his commanding officer or by any warrant officer, non-commissioned officer or airman, he may make a complaint with respect to that matter to his commanding officer.

Complaints by  
warrant  
officers, non-  
commissioned  
officers and  
airmen.

(2) If a warrant officer, non-commissioned officer or airman thinks himself wronged in any matter by his commanding officer, either by reason of redress not being given to his satisfaction on a complaint under the last foregoing subsection or for any other reason, he may make a complaint with respect thereto to any air-force, naval or military officer under whom the complainant is for the time being serving, being an officer not below the rank of air officer or corresponding rank.

(3) It shall be the duty of a commanding or other officer to have any complaint received by him under this section investigated and to take any steps for redressing the matter complained of which appear to him to be necessary.

*Exemptions for members of regular air force*

**182.** An officer of the regular air force on the active list (as defined by order under section two of the Air Force (Constitution) Act, 1917) shall not be capable of being nominated or elected to be sheriff of any county, borough, or other place.

Officers on  
active list not  
to be sheriffs.

**183.** A warrant officer, non-commissioned officer or airman of the regular air force shall be exempt from serving on any jury.

Exemption  
from jury  
service.

**184.**—(1) Duties or tolls for embarking from or disembarking on any pier, wharf, quay or landing place in the United Kingdom or any colony, or for passing over any road or bridge in the United Kingdom or any colony, shall not be payable in respect of—

Exemptions  
from tolls, etc.

(a) members of the regular air force on duty ;

L\*

**PART V**  
—cont.

(b) vehicles in air-force service, being vehicles belonging to the Crown or other vehicles driven by persons (whether members of Her Majesty's forces or not) in the service of the Crown ;

(c) goods carried in such vehicles ;

(d) horses or other animals in air-force service.

(2) In the last foregoing subsection the expression " in air-force service " means employed under proper air-force authority for the purposes of any body of the regular air force or accompanying any body of the regular air force.

(3) Members of the regular air force on duty when using ferries in Scotland shall be entitled to be carried at half rate.

Exemption from taking in execution of property used for air-force purposes.

**185.** No judgment or order given or made against a member of any of Her Majesty's air forces by any court in the United Kingdom or a colony shall be enforced by the levying of execution on any property of the person against whom it is given or made, being arms, ammunition, equipment, instruments or clothing used by him for air-force purposes.

*Provisions relating to deserters and absentees without leave*

Arrest of deserters and absentees without leave.

**186.—**(1) A constable may arrest any person whom he has reasonable cause to suspect of being an officer, warrant officer, non-commissioned officer or airman of the regular air force who has deserted or is absent without leave.

(2) Where no constable is available, any officer, warrant officer, non-commissioned officer or airman of the regular air force, or any other person, may arrest any person whom he has reasonable cause to suspect as aforesaid.

(3) Any person having authority to issue a warrant for the arrest of a person charged with crime, if satisfied by evidence on oath that there is, or is reasonably suspected of being, within his jurisdiction an officer, warrant officer, non-commissioned officer or airman of the regular air force who has deserted or is absent without leave or is reasonably suspected of having deserted or of being absent without leave, may issue a warrant authorising his arrest.

(4) Any person in custody in pursuance of this section shall as soon as practicable be brought before a court of summary jurisdiction.

(5) This section shall have effect in the United Kingdom and in any colony.

Proceedings before a civil court where persons suspected of illegal absence.

**187.—**(1) Where a person who is brought before a court of summary jurisdiction is alleged to be an officer, warrant officer, non-commissioned officer or airman of the regular air force who has deserted or is absent without leave, the following provisions shall have effect.



(2) If he admits that he is illegally absent from the regular air force and the court is satisfied of the truth of the admission, then—

(a) unless he is in custody for some other cause the court shall, and

(b) notwithstanding that he is in custody for some other cause, the court may,

forthwith either cause him to be delivered into air-force custody in such manner as the court may think fit or commit him to some prison, police station or other place provided for the confinement of persons in custody, to be kept there for such reasonable time as the court may specify (not exceeding such time as appears to the court reasonably necessary for the purpose of enabling him to be delivered into air-force custody) or until sooner delivered into such custody.

Any time specified by the court may be extended by the court from time to time if it appears to the court reasonably necessary so to do for the purpose aforesaid.

(3) If he does not admit that he is illegally absent as aforesaid, or the court is not satisfied of the truth of the admission, the court shall consider the evidence and any statement of the accused, and if satisfied that he is subject to air-force law and if of opinion that there is sufficient evidence to justify his being tried under this Act for an offence of desertion or absence without leave then, unless he is in custody for some other cause, the court shall cause him to be delivered into air-force custody or commit him as aforesaid, but otherwise shall discharge him:

Provided that if he is in custody for some other cause the court shall have power, but shall not be required, to act in accordance with this subsection.

(4) The following provisions of the Magistrates' Courts Act, 1952, or any corresponding enactment in force as respects the court in question, that is to say the provisions relating to the constitution and procedure of courts of summary jurisdiction acting as examining justices and conferring powers of adjournment and remand on such courts so acting, and the provisions as to evidence and the issue and enforcement of summonses or warrants to secure the attendance of witnesses, shall apply to any proceedings under this section.

(5) This section shall have effect in the United Kingdom and in any colony.

**188.**—(1) Where in the United Kingdom or any colony a person surrenders himself to a constable as being illegally absent from the regular air force, the constable shall (unless he surrenders himself at a police station) bring him to a police station. Deserters and absentees without leave surrendering to police.

(2) The officer of police in charge of a police station at which a person has surrendered himself as aforesaid, or to which a

PART V  
—cont.

person who has so surrendered himself is brought, shall forthwith inquire into the case, and if it appears to that officer that the said person is illegally absent as aforesaid he may cause him to be delivered into air-force custody without bringing him before a court of summary jurisdiction or may bring him before such a court.

Certificates of  
arrest or  
surrender of  
deserters and  
absentees.

**189.**—(1) Where a court of summary jurisdiction in pursuance of section one hundred and eighty-seven of this Act deals with a person as illegally absent, then when that person is delivered into air-force custody there shall be handed over with him a certificate in the prescribed form, signed by a justice of the peace, containing the prescribed particulars as to his arrest or surrender and the proceedings before the court; and for any such certificate there shall be payable to the clerk of the court, by such person as the Air Council may direct, such fee (if any) as may be prescribed.

(2) Where under the last foregoing section a person is delivered into air-force custody without being brought before a court, there shall be handed over with him a certificate in the prescribed form, signed by the officer of police who causes him to be delivered into air-force custody, containing the prescribed particulars relating to his surrender.

(3) In any proceedings for an offence under section thirty-seven or thirty-eight of this Act—

(a) a document purporting to be a certificate under either of the two last foregoing subsections, and to be signed as thereby required, shall be evidence of the matters stated in the document;

(b) where the proceedings are against a person who has been taken into air-force, naval or military custody on arrest or surrender, a certificate purporting to be signed by a provost officer, or any corresponding officer of a Commonwealth force or a force raised under the law of a colony, or by any other officer in charge of the guardroom or other place where that person was confined on being taken into custody, stating the fact, date, time and place of arrest or surrender shall be evidence of the matters stated in the certificate.

(4) In this section the expression “prescribed” means prescribed by regulations made by a Secretary of State by statutory instrument.

Duties of  
governors of  
prisons and  
others to  
receive  
deserters and  
absentees.

**190.**—(1) It shall be the duty of the governor of a civil prison in the United Kingdom or of the superintendent or other person in charge of a civil prison in a colony to receive any person duly committed to that prison by a court of summary jurisdiction as illegally absent from the regular air force and to detain him until in accordance with the directions of the court he is delivered into air-force custody.

(2) The last foregoing subsection shall apply to the person having charge of any police station or other place (not being a prison) provided for the confinement of persons in custody, whether in the United Kingdom or in a colony, as it applies to the governor or superintendent of a prison.

PART V  
—cont.

*Offences relating to air-force matters punishable by civil courts*

**191.** Any person who in the United Kingdom or any colony falsely represents himself to any air-force, naval, military or civil authority to be a deserter from the regular air force shall be liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both such a fine and such imprisonment.

Punishment for pretending to be a deserter.

**192.**—(1) Any person who, whether within or without Her Majesty's dominions,—

Punishment for procuring and assisting desertion.

- (a) procures or persuades any officer, warrant officer, non-commissioned officer or airman of the regular air force to desert or to absent himself without leave; or
- (b) knowing that any such officer, warrant officer, non-commissioned officer or airman is about to desert or absent himself without leave, assists him in so doing; or
- (c) knowing any person to be a deserter or absentee without leave from the regular air force, conceals him or assists him in concealing himself or assists in his rescue from custody,

shall be guilty of an offence against this section.

(2) Any person guilty of an offence against this section shall be liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months, or to both such a fine and such imprisonment, or on conviction on indictment to a fine not exceeding five hundred pounds or to imprisonment for a term not exceeding two years or to both such a fine and such imprisonment.

**193.** Any person who, in the United Kingdom or any colony, wilfully obstructs or otherwise interferes with any officer, warrant officer, non-commissioned officer or airman of the regular air force acting in the execution of his duty shall be liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both such a fine and such imprisonment.

Punishment for obstructing members of regular air force in execution of duty.

**194.** Any person who, whether within or without Her Majesty's dominions,—

Punishment for aiding malingering.

- (a) produces in an officer, warrant officer, non-commissioned officer or airman of the regular air force any sickness or disability; or

**PART V**  
—cont.

- (b) supplies to or for him any drug or preparation calculated or likely to render him, or lead to the belief that he is, permanently or temporarily unfit for service,

with a view to enabling him to avoid air-force service, whether permanently or temporarily, shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or to both such a fine and such imprisonment, or on conviction on indictment to a fine not exceeding five hundred pounds or to imprisonment for a term not exceeding two years or to both such a fine and such imprisonment.

Unlawful  
purchase, etc.,  
of air-force  
stores.

**195.**—(1) Any person who, whether within or without Her Majesty's dominions, acquires any air-force stores or solicits or procures any person to dispose of any air-force stores, or acts for any person in the disposing of any air-force stores, shall be guilty of an offence against this section unless he proves either—

- (a) that he did not know, and could not reasonably be expected to know, that the chattels in question were air-force stores, or
- (b) that those chattels had (by the transaction with which he is charged or some earlier transaction) been disposed of by order or with the consent of the Air Council or of some person or authority who had, or whom he had reasonable cause to believe to have, power to give the order or consent, or
- (c) that those chattels had become the property of an officer who had retired or ceased to be an officer, or of a warrant officer, non-commissioned officer or airman who had been discharged, or of the personal representatives of a person who had died.

(2) Any person guilty of an offence against this section shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or to both such a fine and such imprisonment, or on conviction on indictment to a fine not exceeding five hundred pounds or imprisonment for a term not exceeding two years or to both such a fine and such imprisonment.

(3) A constable may arrest without warrant any person whom he has reasonable grounds for suspecting of having committed an offence against this section, and may seize any property which he has reasonable grounds for suspecting of having been the subject of the offence.

(4) Any person having authority to issue a warrant for the arrest of a person charged with crime may, if satisfied by evidence on oath that a person within his jurisdiction has,

or is reasonably suspected of having, in his possession any property which has been the subject of an offence against this section, grant a warrant to search for such property as in the case of stolen goods ; and any property suspected of having been the subject of such an offence which is found on such a search shall be seized by the officer charged with the execution of the warrant, and that officer shall bring the person in whose possession or keeping the property is found before a court of summary jurisdiction.

(5) In this section—

the expression “acquire” means buy, take in exchange, take in pawn or otherwise receive (whether apart from this section the receiving is lawful or not) ;

the expression “dispose” means sell, give in exchange, pledge or otherwise hand over (whether apart from this section the handing over is lawful or not) ;

the expression “air-force stores” means any chattel of any description belonging to Her Majesty, which has been issued for use for air-force purposes or is held in store for the purpose of being so issued when required, and includes any chattel which had belonged, and had been issued or held, as aforesaid at some past time.

(6) For the purposes of subsection (4) of this section property shall be deemed to be in the possession of a person if he has it under his control, and whether he has it for his own use or benefit or for the use or benefit of another.

196.—(1) Any person who—

(a) as a pledge or a security for a debt, or

(b) with a view to obtaining payment from the person entitled thereto of a debt due either to himself or to any other person,

Illegal dealings  
in documents  
relating to pay,  
pensions,  
mobilisation,  
etc.

receives, detains or has in his possession any official document issued in connection with the payment to any person of any pay, pension, allowance, gratuity or other payment payable in respect of his or any other person's air-force service shall be guilty of an offence against this section.

(2) Any person who has in his possession without lawful authority or excuse (the proof whereof shall lie on him) any such document as aforesaid, or any official document issued in connection with the mobilisation or demobilisation of any of Her Majesty's air forces or any member thereof, shall be guilty of an offence against this section.

(3) Any person guilty of an offence against this section shall be liable on summary conviction to a fine not exceeding one

**PART V**  
—*cont.*

hundred pounds or to imprisonment for a term not exceeding three months or to both such a fine and such imprisonment.

(4) For the purposes of this section a document shall be deemed to be in the possession of a person if he has it under his control and whether he has it for his own use or benefit or for the use or benefit of another.

(5) This section shall have effect in the United Kingdom and in any colony.

Unauthorised  
use of and  
dealing in  
decorations,  
etc.

**197.**—(1) Any person who, in the United Kingdom or in any colony,—

- (a) without authority uses or wears any air-force decoration, or any badge, wound stripe or emblem supplied or authorised by the Air Council, or
- (b) uses or wears any decoration, badge, wound stripe, or emblem so nearly resembling any air-force decoration, or any such badge, stripe or emblem as aforesaid, as to be calculated to deceive, or
- (c) falsely represents himself to be a person who is or has been entitled to use or wear any such decoration, badge, stripe or emblem as is mentioned in paragraph (a) of this subsection,

shall be guilty of an offence against this section :

Provided that nothing in this subsection shall prohibit the use or wearing of ordinary regimental badges or of brooches or ornaments representing them.

(2) Any person who purchases or takes in pawn any air-force, naval or military decoration awarded to any member of Her Majesty's air forces, or solicits or procures any person to sell or pledge any such decoration, or acts for any person in the sale or pledging thereof, shall be guilty of an offence against this section unless he proves that at the time of the alleged offence the person to whom the decoration was awarded was dead or had ceased to be a member of those forces.

(3) Any person guilty of an offence against this section shall be liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both such a fine and such imprisonment.

*Provisions as to evidence*

General  
provisions as  
to evidence.

**198.**—(1) The following provisions shall have effect with respect to evidence in proceedings under this Act, whether before a court-martial, a civil court or otherwise.

(2) A document purporting to be a copy of the attestation paper signed by any person and to be certified to be a true copy by a person stated in the certificate to have the custody of the attestation paper shall be evidence of the enlistment of the person attested.

(3) The attestation paper purporting to be signed by a person on his enlistment shall be evidence of his having given the answers to questions which he is therein recorded as having given.

(4) A letter, return or other document stating that any person—

- (a) was or was not serving at any specified time or during any specified period in any part of Her Majesty's forces or was discharged from any part of those forces at or before any specified time, or
- (b) held or did not hold at any specified time any specified rank or appointment in any of those forces, or had at or before any specified time been attached, posted or transferred to any part of those forces, or at any specified time or during any specified period was or was not serving or held or did not hold any rank or appointment in any particular country or place, or
- (c) was or was not at any specified time authorised to use or wear any decoration, badge, wound stripe or emblem,

shall, if purporting to be issued by or on behalf of the Air Council, the Admiralty or the Army Council, or by a person authorised by any of them, be evidence of the matters stated in the document.

(5) A record made in any service book or other document prescribed by Queen's Regulations for the purposes of this subsection, being a record made in pursuance of any Act or of Queen's Regulations, or otherwise in pursuance of air-force duty, and purporting to be signed by the commanding officer or by any person whose duty it was to make the record, shall be evidence of the facts stated therein; and a copy of a record (including the signature thereto) in one of the said service books, purporting to be certified to be a true copy by a person stated in the certificate to have the custody of the book, shall be evidence of the record.

(6) A document purporting to be issued by order of the Air Council and to contain instructions or regulations given or made by the Air Council shall be evidence of the giving of the instructions or making of the regulations and of their contents.

(7) A certificate purporting to be issued by or on behalf of the Air Council, the Admiralty or the Army Council, or by a person authorised by any of them, and stating—

- (a) that a decoration of a description specified in or annexed to the certificate is an air-force, naval or military decoration, or

**PART V**  
—*cont.*

- (b) that a badge, wound stripe or emblem of a description specified in or annexed to the certificate is one supplied or authorised by the Air Council,

shall be evidence of the matters stated in the certificate.

(8) A certificate purporting to be signed by a person's commanding officer or any officer authorised by him to give the certificate, and stating the contents of, or of any part of, standing orders or other routine orders of a continuing nature made for—

- (a) any formation or unit or body of the air force, or  
(b) any command or other area, garrison or place, or  
(c) any ship, train or aircraft,

shall in proceedings against the said person be evidence of the matters stated in the certificate.

(9) Any document which would be evidence in any proceedings under the Army Act, 1955, by virtue of section one hundred and ninety-eight of that Act shall in like manner, subject to the like conditions, and for the like purpose be evidence in the like proceedings under this Act.

**Proof of  
outcome of  
civil trial.**

**199.—**(1) Where a person subject to air-force law has been tried before a civil court (whether at the time of the trial he was subject to air-force law or not), a certificate signed by the clerk of the court and stating all or any of the following matters,—

- (a) that the said person has been tried before the court for an offence specified in the certificate,  
(b) the result of the trial,  
(c) what judgment or order was given or made by the court,  
(d) that other offences specified in the certificate were taken into consideration at the trial,

shall for the purposes of this Act be evidence of the matters stated in the certificate.

(2) The clerk of the court shall, if required by the commanding officer of the person in question or any other officer, furnish a certificate under this section and shall be paid such fee as may be prescribed by regulations made by a Secretary of State.

(3) A document purporting to be a certificate under this section and to be signed by the clerk of the court shall, unless the contrary is shown, be deemed to be such a certificate.

(4) References in this section to the clerk of the court include references to his deputy and to any other person having the custody of the records of the court.



**200.**—(1) The original proceedings of a court-martial purporting to be signed by the president of the court and being in the custody of the Judge Advocate General or of any person having the lawful custody thereof shall be admissible in evidence on production from that custody.

PART V  
—cont.

Evidence of proceedings of courts martial.

(2) A document purporting to be a copy of the original proceedings of a court-martial or any part thereof and to be certified by the Judge Advocate General or any person authorised by him, or by any other person having the lawful custody of the proceedings, to be a true copy shall be evidence of the contents of the proceedings or the part to which the document relates, as the case may be.

(3) This section applies to evidence given in any court, whether civil or criminal and whether in the United Kingdom or in any colony.

#### *Miscellaneous provisions*

**201.**—(1) A warrant officer or non-commissioned officer of the regular air force shall not be reduced in rank except by sentence of a court-martial (whether under this Act, the Naval Discipline Act or the Army Act, 1955) or by order of the Air Council, or of an officer, not below the rank of air commodore, flag officer or brigadier, authorised by the Air Council to act for the purposes of this section.

Restrictions on reduction in rank of warrant officers and non-commissioned officers.

(2) An authorisation under the last foregoing subsection may be given generally or subject to such limitations as may be specified by the Air Council.

(3) For the purposes of subsection (1) of this section reduction in rank does not include reversion from acting rank.

**202.**—(1) Where a person is in air-force custody when charged with, or with a view to his being charged with, an offence against Part II of this Act, it shall be the duty of the governor, superintendent or other person in charge of a prison (not being an air-force prison), or of the person having charge of any police station or other place in which prisoners may be lawfully detained, upon delivery to him of a written order purporting to be signed by the commanding officer of the person in custody to receive him into his custody for a period not exceeding seven days.

Temporary reception in civil custody of persons under escort.

(2) This section shall have effect in the United Kingdom and in any colony.

**203.**—(1) Every assignment of or charge on, and every agreement to assign or charge, any pay, air-force award, grant, pension or allowance payable to any person in respect of his or any other person's service in Her Majesty's air forces shall be void.

Avoidance of assignment of or charge on air-force pay, pensions, etc.

(2) Save as expressly provided by this Act, no order shall be made by any court the effect of which would be to restrain

PART V  
—cont.

any person from receiving anything which by virtue of this section he is precluded from assigning and to direct payment thereof to another person.

(3) Nothing in this section shall prejudice any enactment providing for the payment of any sum to a bankrupt's trustee in bankruptcy for distribution among creditors.

(4) This section shall have effect in the United Kingdom and in any colony.

Power of  
certain officers  
to take  
affidavits and  
declarations.

204.—(1) An officer of the regular air force of a rank not below that of squadron leader (hereinafter referred to as an "authorised officer") may, at a place outside the United Kingdom, take affidavits and declarations from any of the following persons, that is to say, persons subject to air-force law and persons not so subject who are of any description specified in the Fifth Schedule to this Act.

(2) A document purporting to have subscribed thereto the signature of an authorised officer in testimony of an affidavit or declaration being taken before him in pursuance of this section and containing in the jurat or attestation a statement of the date on which and the place at which the affidavit or declaration was taken and of the full name and rank of that officer shall be admitted in evidence without proof of the signature being the signature of that officer or of the facts so stated.

PART VI

APPLICATION OF ACT AND SUPPLEMENTAL PROVISIONS

*Persons subject to air-force law*

Persons subject  
to air-force  
law:  
general  
provisions.

205.—(1) The following persons are subject to air-force law :—

- (a) every officer holding an air forces commission (as defined in subsection (3) of this section) and for the time being employed, or recalled for employment, in Her Majesty's service in any capacity in which he can be required to be employed as the holder of his commission ;
- (b) every officer holding an air forces commission (as defined as aforesaid) who for the time being is not employed, or not employed as mentioned in paragraph (a) of this subsection, but is liable (otherwise than in specified circumstances only) to be recalled to air-force service under Her Majesty ;
- (c) every officer, not subject to air-force law under the foregoing provisions of this section, who is an officer of the Royal Air Force Reserve of Officers or the Royal Air Force Volunteer Reserve and is liable to be called out for training or is an officer of the Training Branch of the Royal Air Force Volunteer Reserve ;

- (d) every officer, not subject to air-force law under the foregoing provisions of this section, who being the holder of an air forces commission (as defined as aforesaid) is employed in Her Majesty's service in employment of which it is an express condition that while employed therein he is to be subject to air-force law ;
- (e) every officer, not subject to air-force law under the foregoing provisions of this section, who, with the approval of the Air Council given subject to an express condition that while in that employment he is to be subject to air-force law, is employed otherwise than in Her Majesty's service ;
- (f) every officer holding a commission in the Royal Auxiliary Air Force who is on the active list (as defined by the regulations for the Royal Auxiliary Air Force) or on the permanent staff of the Royal Auxiliary Air Force, or, being in the Royal Auxiliary Air Force General List or Royal Auxiliary Air Force Reserve of Officers, is doing duty with any body of the regular air force or is ordered on any duty or service for which he is liable as such an officer ;
- (g) every warrant officer, non-commissioned officer and airman of the regular air force ;
- (h) every warrant officer, non-commissioned officer and man of the air force reserve when called out on permanent service or in aid of the civil power or when undergoing annual or other training (whether in pursuance of an obligation or not), or when otherwise employed in Her Majesty's service as mentioned in paragraph (d) of this subsection ;
- (i) every warrant officer, non-commissioned officer and man of the Royal Auxiliary Air Force when embodied or called out for home defence service, when undergoing training or attending drills or parades (whether in pursuance of an obligation or not), or when serving on the permanent staff of the Royal Auxiliary Air Force ;
- (j) every person in receipt of a pension in respect of service in the regular air force, or of such service and other service, who is employed in Her Majesty's service as mentioned in paragraph (d) of this subsection ;
- (k) every person not otherwise subject to air-force law who is serving in any force raised by order of Her Majesty outside the United Kingdom and is under the command of an officer holding an air forces commission (as defined as aforesaid).

(2) For the purposes of paragraph (e) of the last foregoing subsection a certificate of the Air Council that approval to a person's employment was given subject to the condition mentioned

**PART VI**  
—*cont.*

in that paragraph shall be conclusive evidence of the facts stated in the certificate.

(3) In this section the expression "air forces commission" means a commission in the Royal Air Force, the Royal Air Force Reserve of Officers, the Royal Air Force Volunteer Reserve, the Royal Auxiliary Air Force, the Royal Auxiliary Air Force General List, or the Royal Auxiliary Air Force Reserve of Officers.

(4) References in this section to an officer holding a commission include references to a person entitled to have a commission issued to him.

Persons subject  
to air-force  
law :  
Common-  
wealth forces.

**206.** Members of a naval, military or air force being a Commonwealth force are subject to air-force law to such extent, and subject to such adaptations and modifications, as may be provided by or under any enactment relating to the attachment of members of such forces.

Persons subject  
to air-force  
law :  
Colonial forces.

**207.**—(1) Subject to the provisions of this section, where any air force is raised under the law of a colony, any such law—

(a) may make provision in relation to that force and the officers, warrant officers, non-commissioned officers and airmen thereof so as to have effect as well when they are outside as when they are within the limits of the colony ;

(b) may apply in relation to the force and the officers, warrant officers, non-commissioned officers and airmen thereof all or any of the provisions of this Act, either with or without adaptations, modifications or exceptions.

(2) Where any air force raised under the law of a colony is serving with part of the regular air force, the air force reserve, or the Royal Auxiliary Air Force, then in so far as the law of the colony does not provide for the government and discipline of the force and the members thereof this Act shall apply—

(a) to the officers thereof as it applies to officers holding air forces commissions (within the meaning of section two hundred and five of this Act) and

(b) to the warrant officers, non-commissioned officers and airmen thereof as it applies to warrant officers, non-commissioned officers and airmen of the regular air force,

but subject to such adaptations, modifications or exceptions as may be specified in the general orders of the officer, whether air-force, naval or military, but not below the rank of group captain or corresponding rank, commanding the forces with which the force raised in the colony is serving.

(3) While any officer, warrant officer, non-commissioned officer or airman belonging to a force raised under the law of

a colony is attached to, doing duty with, or otherwise acting as part of or with any portion of the regular air force, the air force reserve or the Royal Auxiliary Air Force in the United Kingdom, the foregoing provisions of this section shall not apply in relation to him, but he shall be subject to air-force law by virtue of this subsection and this Act shall apply to him as if he were a member of the regular air force.

PART VI  
—cont.

**208.** Where a member of any of Her Majesty's naval or military forces is attached to any part of the regular air force, the air force reserve or the Royal Auxiliary Air Force he shall while so attached be subject to air-force law ; and the provisions of the Sixth Schedule to this Act shall have effect as respects persons subject to air-force law by virtue of this section.

Persons subject to air-force law : attached members of naval and military forces.

**209.**—(1) Subject to the modifications hereinafter specified, where any body of the regular air force is on active service, Part II of this Act shall apply to any person who is employed in the service of that body of the force or any part or member thereof, or accompanies the said body or any part thereof, and is not subject to air-force law, the Naval Discipline Act or military law apart from this section or any corresponding provisions of that Act or the Army Act, 1955, as the said Part II applies to persons subject to air-force law.

Application of Act to civilians.

(2) Subject to the modifications hereinafter specified, Part II of this Act shall at all times apply to a person of any description specified in the Fifth Schedule to this Act who is within the limits of the command of any officer commanding a body of the regular air force outside the United Kingdom and is not subject to air-force law, the Naval Discipline Act or military law apart from this section or any corresponding provisions of that Act or the Army Act, 1955, as the said Part II applies to persons subject to air-force law :

Provided that none of the provisions contained in sections twenty-four to sixty-nine of this Act shall apply to a person by virtue only of this subsection except subsection (3) of section twenty-nine, sections thirty-five and thirty-six, sections fifty-five to fifty-eight, and section sixty-eight so far as it relates to that subsection and those sections.

(3) The said modifications are the following :

- (a) the punishments which may be awarded by a court-martial shall include a fine, but shall not include any other punishment less than imprisonment ;
- (b) the punishment which may be awarded where a charge is dealt with summarily shall, in the case of any offence, be a fine not exceeding ten pounds, but no other punishment ;

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—*cont.*

- (c) the following provision shall have effect in substitution for subsections (2) to (4) of section seventy-four, that is to say that a person may be arrested by a provost officer, by any warrant officer or non-commissioned officer legally exercising authority under a provost officer or on his behalf, or by order of any officer of the regular air force ;
- (d) where a charge is being dealt with summarily and it has been determined that the accused is guilty, a finding shall not be recorded until after the accused has been afforded an opportunity of electing to be tried by court-martial, and if the accused so elects a finding shall not be recorded but such steps shall be taken with a view to the charge being tried by court-martial as may be prescribed by Rules of Procedure ;
- (e) the provisions of this Act relating to the investigation of, and summary dealing with, offences shall save as otherwise expressly provided apply as they apply to officers and warrant officers ;
- (f) for the purposes of the provisions of this Act relating to the investigation of offences, the commanding officer shall be such officer as may be determined by or under regulations of the Air Council made for the purposes of this section ;
- (g) for references in sections one hundred and thirty-one and one hundred and thirty-two of this Act to being, continuing, or ceasing to be subject to air-force law there shall be substituted references to being, continuing to be or ceasing to be in such circumstances that the said Part II applies, and subsection (3) of the said section one hundred and thirty-one shall not apply.
- (4) Any fine awarded by virtue of this section, whether by a court-martial or the appropriate superior authority, shall be recoverable, in the United Kingdom or any colony, as a debt due to Her Majesty.

*Application of Act to particular forces*

Application of Act to reserve and auxiliary forces.

**210.**—(1) Subject to the provisions of this section, references in Parts II to V of this Act to the regular air force shall include references to the following persons, that is to say—

- (a) officers of any reserve of officers when undergoing training or when serving with a body of the regular air force or a body of the air force reserve called out on permanent service, and
- (b) officers who have retired (within the meaning of any order under section two of the Air Force (Constitution) Act, 1917) but are for the time being subject to air-force law, and

- (c) officers holding commissions in the Royal Auxiliary Air Force while the part of the Royal Auxiliary Air Force to which they belong is embodied or while they are called out for home defence service or are undergoing training, and
- (d) warrant officers, non-commissioned officers and men of the air force reserve and the Royal Auxiliary Air Force while subject to air-force law ;

and references to officers, warrant officers, non-commissioned officers or airmen, or to members or a body, of the regular air force or to illegal absence from that force shall be construed accordingly.

(2) Subsections (1) and (4) of section seventeen of this Act shall apply to warrant officers, non-commissioned officers and men of the air force reserve and the Royal Auxiliary Air Force as they apply to warrant officers, non-commissioned officers and airmen of the regular air force.

(3) The power conferred by subsection (3) of section thirty-seven and subsection (3) of section eighty-one of this Act to direct the forfeiture of an offender's previous service shall not be exercisable in relation to warrant officers, non-commissioned officers or men of the air force reserve or the Royal Auxiliary Air Force.

(4) Paragraph (b) of subsection (2) of section thirty-seven, sections one hundred and fifty to one hundred and fifty-three of this Act and, except in so far as they may be applied by regulations made under the Air Force Reserve Act, 1950, or the Auxiliary Forces Act, 1953, the provisions of Part II of this Act relating to the award of stoppages and the provisions of sections one hundred and forty-four to one hundred and forty-nine of this Act, shall not apply—

- (a) to officers of any reserve of officers who are not in actual service,
- (b) to warrant officers, non-commissioned officers or men of the air force reserve except when called out on permanent service or
- (c) to officers, warrant officers, non-commissioned officers or men of the Royal Auxiliary Air Force except when the part of the Royal Auxiliary Air Force to which they belong is embodied or they are called out for home defence service.

(5) In the last foregoing subsection the expression "actual service", in relation to an officer of any reserve of officers, means that he is serving (otherwise than when undergoing training) with a body of the regular air force, or of the air force reserve when called out on permanent service, or with a part of the Royal Auxiliary Air Force which is embodied or called out for home defence service.

**PART VI**  
—*cont.*

(6) The provisions of sections one hundred and eighty-two and one hundred and eighty-three of this Act shall not apply at any time to officers holding commissions in the Royal Auxiliary Air Force, Royal Auxiliary Air Force General List, or Royal Auxiliary Air Force Reserve of Officers or to warrant officers, non-commissioned officers or men of the Royal Auxiliary Air Force; and the provisions of the said section one hundred and eighty-three shall not apply to a warrant officer, non-commissioned officer or man of the air force reserve except when he is called out on permanent service.

(7) In the case of a non-commissioned officer or man of the Royal Auxiliary Air Force found guilty of an offence by a court-martial or his commanding officer, Part II of this Act shall apply as if in the scale set out in subsection (2) of section seventy-two of this Act immediately before paragraph (f) thereof there were inserted the following paragraph—

“ (eee) dismissal from the Royal Auxiliary Air Force ”,  
and as if the punishments specified in subsection (3) of section seventy-eight of this Act included dismissal from the Royal Auxiliary Air Force:

Provided that if the commanding officer awards such dismissal he shall not award any other punishment.

(8) An officer of any reserve of officers, an officer holding a commission in the Royal Auxiliary Air Force or the Royal Auxiliary Air Force General List, or a warrant officer, non-commissioned officer or man of the air force reserve or the Royal Auxiliary Air Force may be attached temporarily to any of Her Majesty's naval or military forces whether or not he is subject to air-force law, but if not subject thereto shall not be so attached except with his consent.

Modification of  
certain  
provisions in  
relation to  
women.

**211.** In relation to women members of the regular air force this Act shall have effect subject to the following modifications:—

- (a) if and in so far as regulations made by Her Majesty so provide, for references to any rank there shall be substituted references to such equivalent rank as may be specified by such regulations;
- (b) so much of Part II of this Act as provides for field punishment shall not apply; and
- (c) references in sections one hundred and fifty and one hundred and fifty-one to a wife shall be construed as references to a husband.

*Application to different countries*

Application to  
Scotland.

**212.—(1)** The provisions of this section shall have effect for the purpose of the application of this Act to Scotland.



(2) For any reference to a county court there shall be substituted a reference to the sheriff; and the powers and duties conferred or imposed on a justice of the peace may be exercised or performed either by such justice or by the sheriff.

(3) References in subsection (2) of section one hundred and twenty-five and in subsection (1) of section one hundred and twenty-eight to the Capital Punishment Amendment Act, 1868, or to any provision of that Act shall respectively be construed as references to that Act as it applies to Scotland or to the corresponding provision of that Act applying to Scotland, and references in the said subsection (2) and subsection (1) to the sheriff shall be construed as references to the lord provost or provost, or magistrate or magistrates, charged with seeing the sentence of death carried into effect.

(4) In subsection (2) of section one hundred and twenty-eight for the reference to the Coroners Acts, 1887 to 1926, there shall be substituted a reference to section twenty-five of the Prisons (Scotland) Act, 1952, and that section as applied in relation to any such premises as are mentioned in the said subsection (2) shall have effect subject to the necessary modifications.

(5) For any reference to the Minister of Housing and Local Government there shall be substituted a reference to the Secretary of State; and the local authority for the purposes of Part IV of this Act shall be a county or town council.

(6) Section one hundred and eighty-seven shall have effect as if subsection (4) were omitted.

(7) Section one hundred and ninety-five shall have effect as if for the obligation imposed by subsection (4) on the officer therein mentioned to bring a person before a court of summary jurisdiction there were substituted an obligation to report to the procurator fiscal.

(8) The expression "putative father" in relation to an illegitimate child means the person proved or admitted to be the father; and the expression "chattel" means corporeal moveable.

**213.**—(1) The provisions of this section shall have effect for the purpose of the application of this Act to Northern Ireland. Application to  
Northern  
Ireland.

(2) The expression "summary conviction" means conviction in accordance with the enactments (including enactments of the Parliament of Northern Ireland) for the time being in force in Northern Ireland relating to summary jurisdiction; and all fines imposed in proceedings taken before a court of summary jurisdiction in Northern Ireland shall be dealt with in the manner

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—*cont.*

provided by section twenty of the Administration of Justice Act (Northern Ireland), 1954.

(3) The jurisdiction and powers of the Secretary of State under this Act with respect to persons committed to or detained in prisons other than air-force prisons and other than military prisons as defined in the Army Act, 1955, and with respect to prisons other than as aforesaid, shall in Northern Ireland be exercisable only subject to the approval of the Ministry of Home Affairs for Northern Ireland.

(4) References in subsection (2) of section one hundred and twenty-five and in subsection (1) of section one hundred and twenty-eight to the Capital Punishment Amendment Act, 1868, or to any provision of that Act and to rules made under that Act shall respectively be construed as references to that Act or provision as in force from time to time in Northern Ireland and to any rules under that Act as in force in Northern Ireland, and, accordingly, references in the said subsections to the sheriff shall be construed as references to the under-sheriff.

(5) References in subsection (2) of section one hundred and twenty-eight to the Coroners Acts, 1887 to 1926, shall be construed as references to section thirty-nine of the Prison Act (Northern Ireland), 1953 ; and that section as applied in relation to any such premises as are mentioned in the said subsection (2) shall have effect subject to the necessary modifications.

(6) For the reference in subsection (5) of section one hundred and fifty to section four of the Bastardy Laws Amendment Act, 1872, there shall be substituted a reference to section one of the Illegitimate Children (Affiliation Orders) Act (Northern Ireland), 1924.

(7) In Part IV of this Act references to a local authority shall be construed as references to a welfare authority, references to the Minister of Housing and Local Government shall be construed as references to the Minister of Home Affairs for Northern Ireland, and references to a chief officer of police shall be construed as references to a county inspector of the Royal Ulster Constabulary or any other officer having the rank of a county inspector thereof.

(8) For the reference in section one hundred and seventy-three to section thirty-five of the Road Traffic Act, 1930, there shall be substituted a reference to section six of the Motor Vehicles and Road Traffic Act (Northern Ireland), 1930.

(9) For the reference in subsection (4) of section one hundred and eighty-seven to the Magistrates' Courts Act, 1952, there shall be substituted a reference to the Summary Jurisdiction Acts (Northern Ireland) and the rules made thereunder.

(10) For the reference in subsection (3) of section two hundred and three to a bankrupt's trustee in bankruptcy there shall be substituted a reference to an assignee in bankruptcy.

(11) In paragraphs 3 and 5 of the table set out in the Second Schedule to this Act for the words "the court under section four of the Guardianship of Infants Act, 1925," there shall be substituted the words "a court of competent jurisdiction".

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—cont.

**214.**—(1) This Act shall apply to the Channel Islands and the Isle of Man in accordance with the following provisions of this section. Application to Channel Islands and Isle of Man.

(2) Subject as hereinafter provided, references except in Part IV of this Act to the United Kingdom shall be construed as including references to the Channel Islands and the Isle of Man.

(3) References in sections one hundred and nineteen, one hundred and twenty-six, one hundred and twenty-seven and one hundred and forty-three to the United Kingdom shall not include references to the Channel Islands or the Isle of Man, and references in the said section one hundred and twenty-seven to a colony shall include references to the Channel Islands and the Isle of Man.

(4) In relation to an order made by a court in the Isle of Man subsection (5) of section one hundred and fifty of this Act shall have effect with the substitution, for the reference to the Maintenance Orders (Facilities for Enforcement) Act, 1920, of a reference to an Act of Tynwald entitled the Maintenance Orders (Facilities for Enforcement) Act, 1921, and for the reference to section four of the Bastardy Laws Amendment Act, 1872, of a reference to section three of an Act of Tynwald entitled the Bastardy Act Amendment Act, 1924.

**215.**—(1) This Act shall apply in relation to any territory under Her Majesty's protection, and any territory for the time being administered by Her Majesty's Government in the United Kingdom under the trusteeship system of the United Nations, as it applies in relation to a colony; and accordingly references in this Act to Her Majesty's dominions shall be construed as including references to any such territory. Application to certain overseas territories.

(2) References in this Act to the law of a colony shall include, in relation to two or more colonies under a central legislature, references to law made by that legislature.

**216.**—(1) References in this Act to Her Majesty's forces or the armed forces of the Crown shall include references to naval, military or air forces raised in the Federation of Malaya. Provisions as to Federation of Malaya.

(2) References in this Act to Her Majesty's air forces shall include references to the air forces raised in the Federation of Malaya.

(3) References in this Act to Her Majesty's service shall include references to the air-force service of the Federation of Malaya.

**PART VI**  
—*cont.*

(4) References in this Act to Her Majesty's ships and aircraft shall respectively include references to ships and aircraft belonging to the Federation of Malaya.

**Application to  
Republic of  
Ireland.**

**217.** Notwithstanding anything in the Ireland Act, 1949, this Act shall apply in relation to the Republic of Ireland as it applies in relation to a foreign country and not as it applies in relation to any part of Her Majesty's dominions.

*Supplemental provisions*

**Jurisdiction  
of courts.**

**218.—(1)** In the United Kingdom or any colony, a civil court of any description having jurisdiction in the place where an offender is for the time being shall have jurisdiction to try him for any offence to which this section applies which is triable by a court of that description notwithstanding that the offence was committed outside the jurisdiction of the court:

Provided that such an offence committed in any part of the United Kingdom shall not be triable outside that part of the United Kingdom.

(2) The offences to which this section applies are offences against any of the following sections of this Act, that is to say, section nineteen, section one hundred and sixty-one, section one hundred and seventy-one, and sections one hundred and ninety-one to one hundred and ninety-seven; and references in this section to a part of the United Kingdom are references to England and Wales, Scotland or Northern Ireland.

**Disposal of  
summary fines  
in England.**

**219.** Any sum paid to the Secretary of State in pursuance of section twenty-seven of the Justices of the Peace Act, 1949, in respect of a fine recovered under this Act shall be deemed to be Exchequer moneys within the meaning of that section and shall be paid by the Secretary of State into the Exchequer.

**Provisions as  
to summary  
fines in  
Colonies.**

**220.** In the application of this Act to any colony, there shall, if the law of the colony so provides, be substituted for the amount of any fine specified in this Act, being a fine which may be imposed on summary conviction, such amount as may be provided by that law; and it shall be competent for the law of any colony to declare what amount of the local currency is to be treated for the purposes of this Act as equivalent to any amount of money specified in this Act.

**Execution of  
orders,  
instruments,  
etc.**

**221.** Save as expressly provided by any rules or regulations under this Act, any order or determination required or authorised to be made under this Act by any air-force, naval or military officer or authority may be signified under the hand of any officer authorised in that behalf; and any instrument signifying such an order or determination and purporting to be signed by an officer stated therein to be so authorised shall unless the contrary is proved be deemed to be signed by an officer so authorised.

PART VI  
—cont.  
Provisions as  
to active  
service.

**222.**—(1) In this Act the expression “on active service”, in relation to a force, means that it is engaged in operations against an enemy or is engaged in a foreign country in operations for the protection of life or property or (subject to the provisions of this section) is in military occupation of a foreign country, and in relation to a person means that he is serving in or with a force which is on active service.

(2) Where any of Her Majesty’s air forces is serving outside the United Kingdom, and it appears to the appropriate authority that, by reason of the imminence of active service or of the recent existence of active service, it is necessary for the public service that the force should be deemed to be on active service, the appropriate authority may declare that for such period, not exceeding three months, beginning with the coming into force of the declaration as may be specified therein that force shall be deemed to be on active service.

(3) Where it appears to the appropriate authority that it is necessary for the public service that the period specified in a declaration under the last foregoing subsection should be prolonged or, if previously prolonged under this subsection, should be further prolonged, the appropriate authority may declare that the said period shall be prolonged by such time, not exceeding three months, as may be specified in the declaration under this subsection.

(4) If at any time while any force—

- (a) is on active service by reason only of being in military occupation of a foreign country; or
- (b) is deemed to be on active service by virtue of the foregoing provisions of this section,

it appears to the appropriate authority that there is no necessity for the force to continue to be treated as being on active service, the appropriate authority may declare that as from the coming into operation of the declaration the force shall cease to be, or to be deemed to be, on active service.

(5) Before any declaration is made under this section, the appropriate authority shall, unless satisfied that it is not possible to communicate with sufficient speed with the Secretary of State, obtain the consent of the Secretary of State to the declaration; and in any case where that consent has not been obtained before the making of a declaration under this section the appropriate authority shall report the making thereof to the Secretary of State with the utmost practicable speed.

(6) The Secretary of State may, if he thinks fit, direct that any declaration whereby any force is deemed to be, or to continue, on active service shall cease to have effect as from the coming into force of the direction; but any direction under this subsection shall be without prejudice to anything done by virtue of the declaration before the coming into force of the direction.

**PART VI**  
—cont.

(7) A declaration under this section shall have effect not only as respects the members of the force to which it relates but also as respects other persons the application to whom of any provision of this Act depends on whether that force is on active service.

(8) In this section the expression “ the appropriate authority ” means—

(a) in relation to any force in a colony, the Governor of the colony ;

(b) in relation to any force not in a colony, the air officer commanding the force, so however that where the force is under the command of a flag officer, general officer or brigadier that officer shall be the appropriate authority.

(9) Any declaration under this section made by the Governor of a colony shall be made by proclamation published in the official Gazette of the colony.

(10) Any declaration or direction under this section shall come into operation on being published in general orders.

**General provisions as to interpretation.**

**223.—(1) In this Act :—**

“ acting rank ” means rank of any description (however called) such that under Queen’s Regulations a commanding officer has power to order the holder to revert from that rank, and “ acting warrant officer ” and “ acting non-commissioned officer ” shall be construed accordingly ;

“ active service ” shall be construed in accordance with the last foregoing section ;

“ aircraft ” means any machine for flying, whether propelled by mechanical means or not, and includes any description of balloon ;

“ aircraft material ” includes

(a) parts of, and components of or accessories for, aircraft, whether for the time being in aircraft or not ;

(b) engines, armaments, ammunition and bombs and other missiles of any description in, or for use in, aircraft ;

(c) any other gear, apparatus or instruments in, or for use in, aircraft ;

(d) any apparatus used in connection with the taking-off or landing of aircraft or for detecting the movement of aircraft ; and

(e) any fuel used for the propulsion of aircraft and any material used as a lubricant for aircraft or aircraft material ;

“ airman ” (except in Parts I and IV of this Act) does not include a warrant officer or a non-commissioned officer ;

- “air signal” means any message, signal or indication given, by any means whatsoever, for the guidance of aircraft or a particular aircraft ;
- “appropriate superior authority” has the meaning assigned to it by subsection (1) of section seventy-seven and subsection (2) of section eighty-two of this Act ;
- “arrest” includes open arrest ;
- “before the enemy”, in relation to a person, means that he is in action against the enemy or about to go into action against the enemy, or is under attack or threat of imminent attack by the enemy ;
- “civil court” means a court of ordinary criminal jurisdiction but does not, except where otherwise expressly provided, include any such court outside Her Majesty’s dominions ;
- “civil offence” has the meaning assigned to it by subsection (2) of section seventy of this Act ;
- “commanding officer” has the meaning assigned to it by subsection (1) of section eighty-two of this Act ;
- “Commonwealth force” means any of the naval, military or air forces of Canada, the Commonwealth of Australia, New Zealand, the Union of South Africa, India, Pakistan or Ceylon ;
- “constable” includes any person (whether within or outside the United Kingdom) having powers corresponding with those of a constable ;
- “corps” means any such body of the regular air force as may from time to time be declared by order of Her Majesty to be a corps for the purposes of this Act ;
- “corresponding civil offence” has the meaning assigned to it by subsection (2) of section seventy of this Act ;
- “corresponding rank”, in relation to any rank or rating of any of Her Majesty’s naval, military or air forces, means such rank or rating of any other of those forces as may be declared by Queen’s Regulations to correspond therewith ;
- “court-martial”, except where it is otherwise expressly provided, means a court-martial under this Act ;
- “damage” includes destruction, and references to damaging shall be construed accordingly ;
- “decoration” includes medal, medal ribbon, clasp and good-conduct badge ;
- “desertion” shall be construed in accordance with subsection (2) of section thirty-seven of this Act ;
- “enemy” includes all persons engaged in armed operations against any of Her Majesty’s forces, and also includes

PART VI  
—*cont.*

all armed mutineers, armed rebels, armed rioters and pirates ;

“ Governor ” means, in relation to any colony, the officer, however styled, who is for the time being administering the government of the colony and includes the British Resident, Zanzibar, but where two or more colonies or the parts of any colony are under local governments and also under a central government, references to the Governor shall be construed as references to the officer, however styled, who is for the time being administering the central government ;

“ Her Majesty’s air forces ”, “ Her Majesty’s military forces ” or “ Her Majesty’s naval forces ”, except where otherwise expressly provided, does not include any Commonwealth force ;

except where the context otherwise requires “ oath ” includes affirmation, and references to swearing shall be construed accordingly ;

“ property ” includes real property in England or Wales or Northern Ireland, heritable property in Scotland, and property outside the United Kingdom of the nature of real property ;

“ provost officer ” means a provost marshal or officer appointed to exercise the functions conferred by or under this Act on provost officers and includes a naval provost marshal, an assistant to a naval provost marshal, and an officer appointed to exercise functions conferred by or under the Army Act, 1955, and corresponding with those of a provost officer under this Act ;

“ public property ” means any property belonging to any department of Her Majesty’s Government in the United Kingdom or the Government of Northern Ireland or held for the purposes of any such department ;

“ Queen’s Regulations ” means the Queen’s Regulations for the Royal Air Force ;

“ regular air force ” means all of Her Majesty’s air forces other than the air force reserve and the Royal Auxiliary Air Force, and other than forces raised under the law of a colony, so however that an officer who is retired within the meaning of any order under section two of the Air Force (Constitution) Act, 1917, shall not be treated for the purposes of this Act as a member of the regular air force save in so far as is expressly provided by this Act ;

“ Rules of Procedure ” has the meaning assigned to it by section one hundred and three of this Act ;

“ service ”, when used adjectivally, means belonging to or connected with Her Majesty’s air forces or any part of Her Majesty’s air forces ;



- “service property” includes property belonging to any joint association or auxiliary air force association within the meaning of the Auxiliary Forces Act, 1953, or to the Navy, Army and Air Force Institutes ;
- “ship” includes any description of vessel ;
- “steals” has the same meaning as in the Larceny Act, 1916 ;
- “stoppages” means the recovery, by deductions from the pay of the offender, of a specified sum by way of compensation for any expense, loss or damage occasioned by the offence.

PART VI  
—*cons.*

(2) References in this Act to warrant officers, non-commissioned officers or men of the air force reserve being called out on permanent service are references to their being so called out whether in pursuance of a proclamation or not, but in Part I of this Act and subsection (2) of section one hundred and sixty-seven thereof do not include references to their being called out for overseas service otherwise than in pursuance of a proclamation.

(3) Any power conferred by this Act to make provision by regulations, rules or other instrument shall include power to make that provision for specified cases or classes of cases, and to make different provision for different classes of cases, and for the purposes of any such instrument classes of cases may be defined by reference to any circumstances specified in the instrument.

(4) Any power conferred by the foregoing provisions of this Act to make an order shall be construed as including power, exercisable in the like manner and subject to the like provisions, to vary or revoke the order.

224.—(1) This Act may be cited as the Air Force Act, 1955. Short title, commencement and duration.

(2) This Act shall come into operation on such date as Her Majesty may by Order in Council appoint.

(3) This Act shall expire twelve months after the coming into operation thereof unless continued in accordance with the following provisions of this section.

(4) Her Majesty may from time to time by Order in Council provide that this Act shall continue in force for a period of twelve months beyond the date on which it would otherwise expire :

Provided that unless Parliament otherwise determines no Order in Council shall be made under this subsection so as to continue this Act beyond the expiration of five years from the date appointed under subsection (2) of this section.

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

## SCHEDULES

### FIRST SCHEDULE

Sections 2, 18,  
23.

#### PROCEDURE FOR ATTESTATION

1. The recruiting officer shall warn the person to be enlisted that if he makes any false answer to the questions to be read out to him he will be liable to be punished as provided by this Act.

2. He shall then read, or cause to be read, to that person the questions set out in the attestation paper and satisfy himself that he understands each of those questions and that his answers thereto have been duly recorded in the attestation paper.

3. He shall then ask that person to make and sign the declaration set out in the attestation paper as to the truth of the answers and shall administer to him the oath of allegiance as set out in the attestation paper.

4. Upon signing the declaration and taking the oath the said person shall become an airman of the regular air force.

5. The recruiting officer shall by signature attest, in the manner required by the attestation paper, that the requirements of this Act as to the attestation of the recruit have been carried out and shall deliver the attestation paper duly dated to such person as may be prescribed by regulations of the Air Council.

6. When in accordance with such regulations the recruit is finally approved for service, the officer by whom he is approved shall at his request furnish him with a certified copy of the attestation paper.

Sections 20, 213.

### SECOND SCHEDULE

#### PERSONS ENTITLED TO OBJECT TO ENLISTMENT OF NATIONAL SERVICE MEN ON REGULAR ENGAGEMENT

An objection under subsection (3) of section twenty of this Act may be made, in any of the circumstances specified in the first column of the following table, by the person or either of the persons specified in relation thereto in the second column of that table.

#### TABLE

| <i>Circumstances</i>                                                                                                                                                                                                          | <i>Person or persons entitled to object</i>                                                                                                                                                                                                                                                                  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>1. Where the person enlisted is legitimate, and both his parents are living:</p> <p>(a) if his parents are living together;</p> <p>(b) if his parents are divorced or separated by order of any court or by agreement;</p> | <p>Both parents.</p> <p>The parent to whom the custody of the person enlisted is committed by order of the court or by the agreement, or, if the custody of the person enlisted is so committed to one parent during part of the year and to the other parent during the rest of the year, both parents.</p> |

| <i>Circumstances</i>                                                                            | <i>Person or persons entitled to object.</i>                                                                                                                                                         | 2ND SCH.<br>—cont. |
|-------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| (c) if one parent has been deserted by the other;                                               | The parent who has been deserted.                                                                                                                                                                    |                    |
| (d) if both parents have been deprived of custody of the person enlisted by order of the court. | The person to whose custody the person enlisted is committed by order of the court.                                                                                                                  |                    |
| 2. Where the person enlisted is legitimate and one parent is dead:                              |                                                                                                                                                                                                      |                    |
| (a) if there is no guardian;                                                                    | The surviving parent.                                                                                                                                                                                |                    |
| (b) if a guardian has been appointed by the deceased parent.                                    | The surviving parent and the guardian (if acting) jointly, or the surviving parent or the guardian if the parent or guardian is the sole guardian of the person enlisted.                            |                    |
| 3. Where the person enlisted is legitimate, and both parents are dead.                          | The guardian or guardians appointed by the deceased parents or by the court under section four of the Guardianship of Infants Act, 1925.                                                             |                    |
| 4. Where the person enlisted is illegitimate, and his mother is alive.                          | The mother, or if she has by order of any court been deprived of the custody of the person enlisted, the person to whom the custody of the person enlisted has been committed by order of the court. |                    |
| 5. Where the person enlisted is illegitimate, and his mother is dead.                           | The guardian appointed by his mother or by the court under section four of the Guardianship of Infants Act, 1925.                                                                                    |                    |

### THIRD SCHEDULE

Section 98.

#### ALTERNATIVE OFFENCES OF WHICH ACCUSED MAY BE CONVICTED BY COURT-MARTIAL

| <i>Offence charged</i>                                                                                                  | <i>Alternative offence</i>                                                                                                      |
|-------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|
| 1. Communicating with or giving intelligence to the enemy, either with intent to assist the enemy or without authority. | 1. Disclosing information without authority.                                                                                    |
| 2. Striking his superior officer.                                                                                       | 2. (a) Using violence to his superior officer otherwise than by striking him.<br>(b) Offering violence to his superior officer. |
| 3. Using violence to his superior officer otherwise than by striking him.                                               | 3. Offering violence to his superior officer.                                                                                   |

3RD SCH.  
—cont.

| <i>Offence charged</i>                                                                                                     | <i>Alternative offence</i>                                                                                                                                |
|----------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4. Using threatening language to his superior officer.                                                                     | 4. Using insubordinate language to his superior officer.                                                                                                  |
| 5. Disobeying, in such a manner as to show wilful defiance of authority, a lawful command given or sent to him personally. | 5. Disobeying a lawful command.                                                                                                                           |
| 6. Desertion.                                                                                                              | 6. Absence without leave.                                                                                                                                 |
| 7. Attempting to desert.                                                                                                   | 7. Absence without leave.                                                                                                                                 |
| 8. Stealing any property.                                                                                                  | 8. Fraudulently misapplying the property.                                                                                                                 |
| 9. Any offence against section forty-four or forty-five of this Act involving wilfulness.                                  | 9. The corresponding offence involving negligence.                                                                                                        |
| 10. Any offence against subsection (1) of section fifty-four of this Act.                                                  | 10. Any offence against subsection (2) of section fifty-four of this Act.                                                                                 |
| 11. Any offence against section fifty-five of this Act involving striking.                                                 | 11. (a) The corresponding offence involving the use of violence other than striking.<br>(b) The corresponding offence involving the offering of violence. |
| 12. Any offence against section fifty-five of this Act involving the use of violence other than striking.                  | 12. The corresponding offence involving the offering of violence.                                                                                         |

Sections 168,  
172.

#### FOURTH SCHEDULE

##### SUPPLEMENTARY PROVISIONS AS TO PAYMENT FOR REQUISITIONED VEHICLES

1.—(1) Subject to the provisions of this Schedule, any payment under subsection (1) of section one hundred and sixty-eight of this Act shall (without prejudice to any agreement as to payment on account) become due on the expiration of the period for which possession of the vehicle in question is retained.

(2) Subject to the provisions of this Schedule, any payment under subsection (2) of section one hundred and sixty-eight of this Act shall become due on the furnishing of the vehicle.

(3) Any payment under paragraph (b) of subsection (3) of the said section one hundred and sixty-eight shall become due on the furnishing of the vehicle.

2.—(1) As soon as may be after the furnishing of a vehicle there shall be given or sent to the person by whom it was furnished, by such person and in such form and manner as may be specified by instructions of the Air Council, a receipt for the vehicle specifying what payment, at what rate or of what amount, is offered in respect of the furnishing thereof under paragraph (a) of subsection (1), or as the case may be under subsection (2), of section one hundred and sixty-eight of this Act.

(2) As soon as may be after the end of the period for which possession of a vehicle is retained, there shall be given or sent to the person by whom the vehicle was furnished, by such person and in such form

and manner as aforesaid, a notice stating whether any, and if so what, damage to the vehicle has occurred during the period for which possession of the vehicle was retained, other than damage which has been made good by a person acting on behalf of Her Majesty, or that the total loss of the vehicle has occurred, and specifying what payment is offered in respect of the damage or loss under paragraph (b) or (c) of subsection (1) of section one hundred and sixty-eight of this Act.

4TH SCH.  
—cont.

3.—(1) A person to whom a receipt or notice under the last foregoing paragraph has been given or sent (hereinafter referred to as “the claimant”) shall be deemed to have accepted the offer contained therein unless within three weeks from the time at which he received the receipt or notice he gives notice to the person by whom the receipt or notice was given or sent that he claims some specified greater amount or rate.

(2) Where a notice under the last foregoing paragraph has been given or sent stating that no damage has occurred to a vehicle during the period for which possession of the vehicle is retained, the claimant shall be deemed to have agreed that no damage has so occurred unless within three weeks from the time at which he received the notice he gives notice to the person by whom the notice was given or sent claiming that damage has so occurred and stating what payment he claims under subsection (1) of section one hundred and sixty-eight of this Act in respect of the damage.

(3) On the making of a claim under either of the two last foregoing sub-paragraphs the Air Council may notify the claimant either that they do not propose to make any further offer or that they make a specified further offer.

4.—(1) Subject to the provisions of the last foregoing paragraph and to the following provisions of this paragraph, a county court shall have jurisdiction to determine any dispute—

(a) as to the amount of any payment due under subsection (1) or (2) of section one hundred and sixty-eight of this Act, or whether any payment is due under any provision of the said subsection (1), or

(b) as to the amount of any payment due under paragraph (b) of subsection (3) of that section,

irrespective of the amount in dispute.

(2) An application to the county court for the determination of any such dispute as is mentioned in head (a) of the last foregoing sub-paragraph shall not be made before the expiration of three weeks from the making of the claim under sub-paragraph (1) or (2) of the last foregoing paragraph unless a notification has been given to the applicant under sub-paragraph (3) of the last foregoing paragraph; and where such a notification contains a further offer by the Air Council, the person to whom it is given shall be deemed to have accepted the offer unless he makes such an application within three weeks from receipt of the notification.

5. The instructions of the Air Council referred to in paragraph 2 of this Schedule shall secure that any receipt or notice under that paragraph, or any notification under sub-paragraph (2) of the last foregoing paragraph, contains a statement of the effect of paragraph 3 of this Schedule or, as the case may be, of sub-paragraph (2) of the last foregoing paragraph.

4TH SCH.  
—cont.

6. In the foregoing provisions of this Schedule, the expression “damage” does not include damage resulting in a total loss, or damage attributable to fair wear and tear.

7. Nothing in the foregoing provisions of this Schedule shall apply to a case falling within subsection (4) of section one hundred and sixty-eight or the proviso to subsection (2) of section one hundred and seventy-two of this Act, and any sum payable by virtue of that subsection or proviso shall become due on the making, by the person by whom the vehicle is required to be furnished, of a claim therefor to such authority as may have been specified in that behalf in the direction requiring the furnishing of the vehicle (or if no such authority was specified, to the Air Council):

Provided that before making any such payment the said authority or the Air Council, as the case may be, may require reasonable particulars of the damage in question and of the circumstances in which it occurred and may require a reasonable opportunity to be afforded to a person authorised by them to inspect the vehicle in question.

8. A county court shall have jurisdiction to deal with any claim arising under subsection (4) or subsection (5) of section one hundred and sixty-eight of this Act, or under the proviso to subsection (2) of section one hundred and seventy-two thereof, irrespective of the amount of the claim.

Sections 204,  
209.

## FIFTH SCHEDULE

### CIVILIANS OUTSIDE THE UNITED KINGDOM SUBJECT TO PART II WHEN NOT ON ACTIVE SERVICE

1. Persons serving Her Majesty, or otherwise employed, in such capacities connected with Her Majesty’s naval, military or air forces as may be specified for the purposes of this Schedule by regulations of the Air Council, being persons serving or employed under Her Majesty’s Government in the United Kingdom.

2. Persons who are employed by, or in the service of, any naval, military or air-force organisation so specified to which Her Majesty’s Government in the United Kingdom is a party and are employed by or in the service of that organisation by reason of that Government being a party thereto.

3. Persons belonging to or employed by any other organisation so specified which operates in connection with Her Majesty’s naval, military or air forces.

4. Persons who, for the purposes of their profession or employment, are attached to or accompany any of Her Majesty’s naval, military or air forces in pursuance of an authorisation granted by or on behalf of the Admiralty, the Army Council or the Air Council.

5. Persons forming part of the family of members of any of Her Majesty’s naval, military or air forces and residing with them or about to reside or departing after residing with them.

6. Persons forming part of the family of persons falling within paragraphs 1 to 4 of this Schedule and residing with them or about to reside or departing after residing with them.

7. Persons employed by members of any of Her Majesty’s naval military or air forces.

8. Persons employed by persons falling within paragraphs 1 to 6 of this Schedule.

5TH SCH.  
—cont.

9. Persons forming part of the family of persons falling within either of the last two foregoing paragraphs and residing with them or about to reside or departing after residing with them.

## SIXTH SCHEDULE

Section 208.

### APPLICATION OF ACT TO ATTACHED MEMBERS OF NAVAL AND MILITARY FORCES

1.—(1) As respects the punishment of a person subject to air-force law by virtue of section two hundred and eight of this Act, the following provisions of this paragraph shall have effect.

(2) If he is a member of any of Her Majesty's military forces, references to forfeiture in the prescribed manner of seniority of rank shall be construed as references to forfeiture of seniority in the army or the corps to which he belongs in such manner as may be prescribed by Rules of Procedure.

(3) If he is a member of any of Her Majesty's naval forces references to cashiering or discharge with ignominy shall be construed as references to dismissal with disgrace from Her Majesty's service, references to reduction to the ranks or any less reduction in rank shall be construed as references to disrating to an extent not greater than that which would have been authorised on conviction by a court-martial under the Naval Discipline Act, and paragraph (g) of subsection (2) of section seventy-two of this Act shall not apply.

2. For the purposes of the provisions of this Act relating to the constitution of courts-martial an officer subject to air-force law as aforesaid shall be treated as an officer belonging to Her Majesty's air forces of corresponding rank.

3. As respects the reconsideration of any sentence of a court-martial under this Act passed on a person subject to air-force law as aforesaid, the reference to the Air Council shall include a reference to his own Service Authority, and the functions of the authority required by those provisions to reconsider a sentence may be exercised by his own Service Authority.

4. As respects the review of a finding or award made on the summary disposal of a charge against a person subject to air-force law as aforesaid, references to the Air Council in the provisions of this Act relating to such reviews shall include references to his own Service Authority.

5. In proceedings under this Act against a person subject to air-force law as aforesaid any document which would have been evidence in the like proceedings under his own service law shall be evidence in like manner, subject to the like conditions and for the like purposes as in the first-mentioned proceedings.

6. In the application of this Act to a person subject to air-force law as aforesaid references to the regular air force shall include references to his own service, and references to any rank shall include references to the corresponding rank of his own service.

M\*

6TH SCH.  
—cont.

7. In relation to a person subject to air-force law as aforesaid subsection (3) of section one hundred and thirty-two of this Act shall have effect with the substitution for the period of three months therein mentioned of the period of three months next after the earliest date on which he is no longer subject either to air-force law or to his own service law.

8. In the application of sections one hundred and forty-four and one hundred and forty-nine of this Act to a person subject to air-force law as aforesaid references to an order under section two of the Air Force (Constitution) Act, 1917, shall include references to an Order in Council (if he is a member of any of Her Majesty's naval forces or of the Royal Marines) or to a Royal Warrant (if he is a member of any of Her Majesty's military forces other than the Royal Marines).

9. Sections one hundred and fifty to one hundred and fifty-two and one hundred and eighty of this Act shall not apply to a person subject to air-force law as aforesaid.

10. In this Schedule—

- (a) references to a person's own service shall be construed as references to the naval or military force to which he belongs,
- (b) references to a person's own service law shall be construed as references to the Naval Discipline Act or to military law, and
- (c) references to a person's own Service Authority shall be construed as references to the Admiralty or to the Army Council,

according as he is a member of Her Majesty's naval forces or Her Majesty's military forces.

11. In relation to officers, non-commissioned officers and marines of the Royal Marines who are subject to air-force law as aforesaid, the foregoing provisions of this Part of this Schedule shall have effect as if for the references to the Army Council there were substituted references to the Admiralty and as if references to a person's own service law included references to the Naval Discipline Act.





Table of Statutes referred to in this Act

| Short Title                                                | Session and Chapter                    |
|------------------------------------------------------------|----------------------------------------|
| Lunacy (Scotland) Act, 1862... ..                          | 25 & 26 Vict. c. 54.                   |
| Naval Discipline Act ... ..                                | 29 & 30 Vict. c. 109.                  |
| Capital Punishment Amendment Act, 1868...                  | 31 & 32 Vict. c. 24.                   |
| Bastardy Laws Amendment Act, 1872 ...                      | 35 & 36 Vict. c. 65.                   |
| Lunacy Act, 1890 ... ..                                    | 53 & 54 Vict. c. 5.                    |
| Larceny Act, 1916 ... ..                                   | 6 & 7 Geo. 5. c. 50.                   |
| Air Force (Constitution) Act, 1917 ... ..                  | 7 & 8 Geo. 5. c. 51.                   |
| Maintenance Orders (Facilities for Enforcement) Act, 1920. | 10 & 11 Geo. 5. c. 33.                 |
| Guardianship of Infants Act, 1925 ... ..                   | 15 & 16 Geo. 5. c. 45.                 |
| Road Traffic Act, 1930 ... ..                              | 20 & 21 Geo. 5. c. 43.                 |
| National Service Act, 1948 ... ..                          | 11 & 12 Geo. 6. c. 64.                 |
| Ireland Act, 1949 ... ..                                   | 12, 13 & 14 Geo. 6. c. 41.             |
| Justices of the Peace Act, 1949 ... ..                     | 12, 13 & 14 Geo. 6. c. 101.            |
| Air Force Reserve Act, 1950... ..                          | 14 Geo. 6. c. 33.                      |
| Courts-Martial (Appeals) Act, 1951 ...                     | 14 & 15 Geo. 6. c. 46.                 |
| Prisons Act, 1952 ... ..                                   | 15 & 16 Geo. 6. & 1 Eliz. 2.<br>c. 52. |
| Magistrates' Courts Act, 1952 ... ..                       | 15 & 16 Geo. 6. & 1 Eliz. 2.<br>c. 55. |
| Prisons (Scotland) Act, 1952 ... ..                        | 15 & 16 Geo. 6. & 1 Eliz. 2.<br>c. 61. |
| Auxiliary Forces Act, 1953 ... ..                          | 1 & 2 Eliz. 2. c. 50.                  |
| Army Act, 1955 ... ..                                      | 3 & 4 Eliz. 2. c. 18.                  |

## CHAPTER 20

### *Revision of the Army and Air Force Acts (Transitional Provisions) Act, 1955*

#### ARRANGEMENT OF SECTIONS

##### Section

- Interim continuation of Army and Air Force Acts.
- Transitional provisions and savings.
- Amendment of other enactments.
- Provisions replacing ss. 174 and 174A of Army and Air Force Acts.
- Repeals.
- Short title and commencement.

##### SCHEDULES:

- First Schedule—Transitional Provisions and Savings.
- Second Schedule—Adaptation of Enactments.
- Third Schedule—Provisions replacing Sections 174 and 174A of Army and Air Force Acts.
- Fourth Schedule—Enactments (other than Annual Acts) Repealed.

An Act to continue the Army and Air Force Acts until the appointed day, and to make, with respect to the replacement thereof by new provisions, certain transitional provisions and savings and amendments of other enactments relating to those Acts or otherwise to the armed forces of the Crown; to make permanent certain provisions contained in the said Acts; and to repeal certain enactments relating to the armed forces of the Crown which are rendered unnecessary by the expiry of those Acts or are otherwise obsolete.

[6th May, 1955]

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

**Interim continuation of Army and Air Force Acts.** 1. The Army Act and the Air Force Act shall continue in force until the end of the year nineteen hundred and fifty-six but no longer.

**Transitional provisions and savings.** 2. The transitional provisions and savings set out in the First Schedule to this Act shall have effect in connection with the expiry of the Army Act and the Air Force Act.

**Amendment of other enactments.** 3. In connection with the replacement of the Army Act and the Air Force Act by new provisions, the enactments set out in the Second Schedule to this Act shall be amended as provided by that Schedule.

**Provisions replacing ss. 174 and 174A of Army and Air Force Acts.** 4. The provisions set out in the Third Schedule to this Act, being the provisions contained in sections one hundred and seventy-four and one hundred and seventy-four A of the Army Act and of the Air Force Act, shall have permanent effect.

**Repeals.** 5.—(1) The annual Acts continuing the Army Act or the Army Act and the Air Force Act, and passed during the period beginning with the year eighteen hundred and eighty-two and ending with the year nineteen hundred and fifty-four, are hereby repealed so far as still in force.

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

**Short title and commencement.** 6.—(1) This Act may be cited as the Revision of the Army and Air Force Acts (Transitional Provisions) Act, 1955.

(2) This Act, except section one thereof, shall come into operation on the appointed day.

(3) In this Act the expression “the appointed day” means such day as Her Majesty may by Order in Council appoint.

## SCHEDULES

## FIRST SCHEDULE

Section 2.

## TRANSITIONAL PROVISIONS AND SAVINGS

1. In this Schedule the expression "the old Act" means the Army Act or the Air Force Act, and the expression "the new Act"—

(a) in relation to the Army Act or persons subject to military law, means the Army Act, 1955, and

(b) in relation to the Air Force Act or persons subject to air-force law, means the Air Force Act, 1955.

2.—(1) In relation to an offence against any section in Part I of the old Act, sections seventy-one to one hundred and thirty-four and one hundred and thirty-eight to one hundred and forty-two of the new Act, and the rules and regulations made under those sections, shall apply as if the said section had been contained in the new Act and that Act had been in force when the offence was committed, and as if any finding or punishment having effect before the appointed day, and anything done before that day by virtue of or in relation to such a finding or sentence, had been come to, awarded or done under the new Act:

Provided that nothing in this sub-paragraph shall render an offence capable of being tried by court-martial or dealt with summarily, if by reason of the time or place of the commission of the offence it could not have been so tried or dealt with under the old Act.

(2) Notwithstanding anything in the foregoing sub-paragraph, where any proceedings for such an offence as aforesaid have been begun before the appointed day, any step in the proceedings taken after that day shall be deemed to be validly taken if taken in accordance with the old Act and the rules made thereunder.

(3) In section one hundred and thirty-four of the new Act (which provides against trial for offences already disposed of) references to the new Act or to any provision thereof shall be construed as including respectively references to the old Act and to the corresponding provision thereof.

3. Where after the appointed day a person is alleged—

(a) to have committed an offence continuing over a period beginning before that day and ending thereon or thereafter, or

(b) to have committed an offence between two dates falling within such a period,

and the offence would be one against a provision in Part II of the new Act if that Act had been in force at all material times, he may be proceeded against as if the new Act had so been in force.

4. In relation to offences under the old Act triable by civil courts subsection (2) of section thirty-eight of the Interpretation Act, 1889 (which relates to the effect of repeals) shall apply after the expiry of the old Act as if that Act had been repealed.

5. Any instrument issued before the appointed day which authorises the convening of general courts-martial or district courts-martial shall if in force on that day continue in force thereafter as if issued under the new Act, and may be varied or revoked accordingly.

1ST SCH.  
—cont.

6. Any officer who immediately before the appointed day was authorised under section ninety-four of the old Act to attest soldiers or airmen shall, without prejudice to any subsequent withdrawal of the authorisation, be deemed without further authorisation a recruiting officer for the purposes of Part I of the new Act.

7.—(1) A person enlisted in pursuance of the old Act, or of the enactments relating to the Royal Marines repealed by this Act, whose term of enlistment is current at the appointed day shall be deemed to have been enlisted under the corresponding provisions of the new Act.

(2) Anything done under the provisions of the old Act or the said enactments and relating to the varying of a person's terms of enlistment shall, if the doing thereof would have been authorised by any provisions of the new Act if they had been in force when it was done, be deemed to have been done under the last-mentioned provisions.

(3) Where a person is in army service in consequence of having enlisted before the first day of May, nineteen hundred and fifty-two, then—

(a) if he was re-engaged in pursuance of section eighty-four of the Army Act as in force before the said date, his re-engagement shall remain effective notwithstanding anything in this Act, and section six of the new Act shall not apply to him ;

(b) if he was not so re-engaged the said section six shall apply to him subject to the provisions of the next following sub-paragraph, and if, immediately before the appointed day, he fell to be treated by virtue of section eleven of the Army and Air Force (Annual) Act, 1952, as having enlisted for a term of twenty-two years, his notice and the approval of the competent military authority under that section shall be deemed to be a notice and consent given under the said section six.

(4) Where the said section six applies to a person who enlisted before the first day of May, nineteen hundred and fifty-two, then if his enlistment took place at the end of a period of relevant service it shall be treated for the purposes of that section as having taken place at the beginning of that period or on the date of his attaining the age of eighteen years, whichever is the later :

Provided that if his notice under the said section six so requires, his enlistment shall not be so treated but in that case he shall not exercise the right conferred by subsection (1) of section five of the new Act.

(5) In the last foregoing sub-paragraph the expression " period of relevant service " means continuous service of any one or more of the following descriptions, that is to say, army service, whole-time service in the Territorial Army or whole-time service in the Auxiliary Territorial Service.

(6) Where a person's enlistment took place at the end of a period of whole-time service in the Auxiliary Territorial Service that service shall be deemed to be included in the references to service in section eight of the new Act.

(7) Where a person to whom the proviso to sub-paragraph (4) of this paragraph applies deserts after completing the service comprised in the term which, if he had not given a notice under section six of the new Act, would have been his term of enlistment, no part of that service shall be included in any direction given in respect of the desertion under subsection (3) of section thirty-seven or subsection (2) of section eighty-one of that Act.

8.—(1) If immediately before the appointed day any person is being detained in service under section eighty-seven of the old Act or under the enactments relating to the Royal Marines repealed by this Act, then in calculating for what period he may be retained and his service prolonged under the corresponding provisions of the new Act account shall be taken of the period for which he has been so detained, or his service prolonged, as if during that period he had been retained, or his service prolonged, under the said provisions of the new Act.

(2) If immediately before the appointed day a proclamation is in force under section eighty-eight of the old Act, it shall continue in force as if made under the corresponding provisions of the new Act.

9. Any order authorising the discharge of a person given before the appointed day by an officer prescribed in that behalf under the old Act shall be treated for the purposes of subsection (3) of section eleven of the new Act as an order of the competent military, or as the case may be, air-force authority.

10. Any order under section ninety-one of the old Act in force immediately before the appointed day shall have effect as if it had been made under the corresponding provisions of the new Act.

11. The powers conferred by the new Act of restoring forfeited service and remitting forfeitures and deductions shall be exercisable in relation to service forfeited and forfeitures and deductions imposed under the old Act.

12.—(1) Any forfeiture of, or deduction from, pay having effect under the old Act immediately before the appointed day shall, subject to the last foregoing paragraph, continue to have effect notwithstanding the expiry of the old Act.

(2) Any order having effect immediately before the appointed day under the provisions of the old Act corresponding with sections one hundred and fifty and one hundred and fifty-one of the new Act shall continue to have effect as if made under the new Act, and section one hundred and fifty-two of the new Act shall apply accordingly.

13. Any document made before the appointed day which would have been admissible in evidence under the provisions of the old Act, or those provisions as applied by any other enactment, shall be admissible to the like extent and in the like proceedings notwithstanding that the old Act has ceased to be in force.

14. If immediately before the appointed day any declaration or renewal is in force under section one hundred and eighty-nine of the old Act, it shall continue in force as if made under the corresponding provision of the new Act.

## Section 3.

## SECOND SCHEDULE

## ADAPTATION OF ENACTMENTS

*The Naval Discipline Act*

29 & 30 Vict. c. 109.

1.—(1) For section eighty-one there shall be substituted the following section:—

“Imprison-  
ment and  
Detention  
Rules.

81.—(1) The Admiralty may make rules with respect to all or any of the matters referred to in subsection (1) of section one hundred and twenty-two of the Army Act, 1955, as modified by the following provisions of this section, and accordingly that section as so modified shall apply as if it were herein re-enacted.

(2) The said modifications are—

- (a) for references to the Secretary of State there shall be substituted references to the Admiralty,
- (b) for references to military custody there shall be substituted references to naval custody,
- (c) for references to military sentences of imprisonment and detention there shall be substituted references to sentences of imprisonment or detention passed under this Act,
- (d) for references to military establishments there shall be substituted references to any establishment under the control of the Admiralty where persons may be required to serve sentences of imprisonment or detention passed under this Act,
- (e) for references to persons subject to military law there shall be substituted references to persons subject to this Act,
- (f) for references to sentences of imprisonment or detention awarded under this Act there shall be substituted references to sentences of imprisonment or detention awarded under the Army Act, 1955.

(3) Rules made under this section may contain such incidental and supplementary provisions as appear to the Admiralty to be requisite for the purposes of the rules”,

but any rules in force immediately before the appointed day under the said section eighty-one shall continue in force and have effect as if they had been made under the section hereinbefore set out.

(2) In section eighty-six, after the definition of “ Admiralty ” there shall be inserted the following definition:—

“ ‘ Commonwealth force ’ means any of the armed forces of Canada, the Commonwealth of Australia, New Zealand, the Union of South Africa, India, Pakistan or Ceylon ”.

(3) In section eighty-seven, after the words "belonging to" there shall be inserted the words "or attached to", and at the end of that section there shall be added the following subsections:—

2ND SCH  
—cont.

"(2) In this section the expression "attached" means attached by virtue of section one hundred and seventy-nine of the Army Act, 1955, or of the Air Force Act, 1955.

(3) The modifications set out in the Schedule to this Act shall have effect in the case of persons who are subject to this Act by virtue of being so attached as aforesaid."

(4) For section ninety A there shall be substituted the following section:—

"Powers of command of members of cooperating military or air forces.

90A.—(1) In so far as powers of command depend on rank, a member of any of Her Majesty's military or air forces (other than a Commonwealth force) who—

(a) is acting with, or

(b) is a member of a body of any of those forces which is acting with,

any body of Her Majesty's naval forces shall have the like such powers as a member of Her Majesty's naval forces of corresponding rank; and for the purposes of the provisions of this Act relating to superior officers any such member of the said military or air forces shall be treated as if he were a member of Her Majesty's naval forces of corresponding rank.

(2) In this section the expression 'corresponding rank' in relation to any military or air-force rank means such naval rank or rating as may be declared by order of the Admiralty to correspond therewith."

(5) After section ninety A there shall be inserted the following sections:—

"Exercise of powers of naval provost marshals by military or air-force provost marshals.

90AA.—(1) An order made by the Admiralty and the Army Council may authorise military provost marshals, and an order made by the Admiralty and the Air Council may authorise air-force provost marshals, to exercise, in such area in the United Kingdom or elsewhere as may be specified in the order, the powers of naval provost marshals in relation to persons subject to this Act.

(2) Any power exercisable by virtue of this section by a military provost marshal or air-force provost marshal shall be exercisable also by any person legally exercising authority under him or on his behalf:

Provided that nothing in this subsection shall authorise the arrest of an officer otherwise than on the order of another officer.

(3) In this section the expression 'military provost marshal' includes any officer appointed to exercise the functions conferred on provost officers by or under the Army Act, 1955 and the expression 'air-force provost marshal' includes any officer appointed to exercise the functions conferred on provost officers by or under the Air Force Act, 1955.

2ND SCH.  
—cont.

Attachment  
of members  
of naval  
forces to  
military or  
air forces.

90AB.—(1) Any person in or belonging to Her Majesty's navy may be attached temporarily to any of Her Majesty's military or air forces (other than a Commonwealth force).

(2) Regulations made by the appropriate service authorities may prescribe circumstances in which persons in or belonging to Her Majesty's navy shall be deemed to be attached to any of Her Majesty's military or air forces (other than a Commonwealth force), as the case may be, under the last foregoing subsection.

(3) In this section the expression "appropriate service authorities" means—

(a) in relation to attachment to any of Her Majesty's military forces, the Admiralty and the Army Council,

(b) in relation to attachment to any of Her Majesty's air forces, the Admiralty and the Air Council,

(4) A person shall not cease to be subject to this Act by reason only of attachment in pursuance of this section."

(6) At the end there shall be added the following Schedule :

" SCHEDULE

APPLICATION OF ACT TO ATTACHED MEMBERS OF  
MILITARY AND AIR FORCES

PART I

*Application of Act to Attached Members of Military  
Forces*

1. In relation to a member of any of Her Majesty's military forces (other than a Commonwealth force) who is subject to this Act, the following provisions shall have effect.

2. References to dismissal with disgrace from Her Majesty's service shall be construed as references to cashiering (in the case of an officer) or discharge with ignominy (in the case of a warrant officer, non-commissioned officer or soldier), references to forfeiture of seniority as an officer as mentioned in paragraph (6) of section fifty-two of this Act shall be construed as references to forfeiture, in such manner as may be prescribed by regulations of the Admiralty, of seniority of rank, either in the army or in the corps to which the offender belongs or in both, and references to disrating shall be construed as references to reduction to the ranks or any less reduction in rank.

3. The functions of the Admiralty under paragraph (1) of section fifty-three of this Act may be exercised by the Army Council, and the reference in paragraph (3) of that section to the Admiralty shall include a reference to the Army Council.



4. References to any rank or rating shall include references to any military rank declared by order of the Admiralty to correspond with the first-mentioned rank or rating.

2ND SCH.  
—cont.

## PART II

### *Application of Act to Attached Members of Air Forces*

5. In relation to a member of any of Her Majesty's air forces (other than a Commonwealth force) who is subject to this Act the following provisions shall have effect.

6. References to dismissal with disgrace from Her Majesty's service shall be construed as references to cashiering (in the case of an officer) or discharge with ignominy (in the case of a warrant officer, non-commissioned officer or airman), references to forfeiture of seniority as an officer as mentioned in paragraph (6) of section fifty-two of this Act shall be construed as references to forfeiture, in such manner as may be prescribed by regulations of the Admiralty, of seniority of rank, and references to disrating shall be construed as references to reduction to the ranks or any less reduction in rank.

7. The functions of the Admiralty under paragraph (1) of section fifty-three of this Act may be exercised by the Air Council, and the reference in paragraph (3) of that section to the Admiralty shall include a reference to the Air Council.

8. References to any rank or rating shall include references to any air-force rank declared by order of the Admiralty to correspond with the first-mentioned rank or rating."

### *The Naval Enlistment Act, 1884* 47 & 48 Vict. c. 46.

2. For section three there shall be substituted the following section:—

“Discharge of seamen of unsound mind.” 3. Section sixteen of the Army Act, 1955 (which relates to the discharge of a soldier of unsound mind) shall apply in like manner as if it were herein re-enacted with the substitution—

- (a) for references to a soldier of the regular forces of references to a person in the naval service of Her Majesty; and
- (b) for references to the Army Council of references to the Admiralty.”

### *The Regimental Debts Act, 1893* 56 and 57 Vict. c. 5.

3. In section twenty-nine after the definition of “prescribed” there shall be inserted—

“the expression ‘desert’ means commit an offence against paragraph (a) of subsection (2) of section thirty-seven of the Army Act, 1955”,

and for the words “the Army Act” there shall be substituted the words “the Army Act, 1955.”

2ND SCH.  
—cont.

*The Uniforms Act, 1894*  
57 & 58 Vict. c. 45.

4. In section four the words "within the meaning of the Army Act" shall be omitted.

*The Criminal Evidence Act, 1898*  
61 & 62 Vict. c. 36.

5. In section six, in subsection (1) after the words "criminal proceedings" there shall be inserted the words "including proceedings in courts-martial", and subsection (2) shall be omitted.

*The Naval Billeting, &c. Act, 1914*  
4 & 5 Geo. 5. c. 70.

6.—(1) In subsection (1) of section one for the reference to a requisition of emergency there shall be substituted a reference to a requisitioning order.

(2) For the purposes of Part IV of the Army Act, 1955 a billeting requisition or requisitioning order issued by virtue of the said subsection (1) shall have effect as if issued under section one hundred and fifty-four of that Act (which relates to billeting) or section one hundred and sixty-five thereof (which relates to the requisitioning of vehicles and other chattels) but in relation to requisitions and orders issued under the said subsection (1) the said Part IV and the Fourth Schedule to that Act shall have effect subject to such adaptations as the Admiralty may by regulations prescribe, being adaptations appearing to the Admiralty necessary for adapting the said Part IV and Schedule to the naval forces.

(3) Sections forty-seven and forty-eight of the Army Act, 1955 (which relate to offences in connection with billeting and requisitioning) shall with the necessary modifications apply as respects billeting and requisitioning under the said Part IV as applied as aforesaid and to persons subject to the Naval Discipline Act, subject to the modification that as applied to such persons they shall have effect as if offences thereunder were triable under that Act and punishable with imprisonment not exceeding two years or such punishment inferior in degree as is mentioned in section fifty-two of that Act.

(4) Subsection (2) of section one shall cease to have effect.

*The Navy (Pledging of Certificates, &c.) Act, 1914*  
4 & 5 Geo. 5. c. 89.

7. For section one there shall be substituted the following section—  
"Application to Navy of provisions of Army Act, 1955, as to unlawful dealings in stores, certificates, etc.  
1. Sections one hundred and ninety-five and one hundred and ninety-six of the Army Act, 1955 (which among other things provide for the punishment of the illegal acquisition from soldiers of military stores and the acceptance of certain documents as security for debts) shall apply in relation to persons serving in the naval forces of the Crown with such adaptations as the Admiralty may by regulations prescribe, and any such regulations may extend the said section one hundred and ninety-six so as to make it applicable to any certificate relating to the service of any person serving in the naval forces of the Crown."

*The Ferries (Acquisition by Local Authorities) Act, 1919*  
9 & 10 Geo. 5. c. 75.2ND SCH.  
—cont.

8. In section four the words “ and save as provided by the Army Act ” shall be omitted.

*The Visiting Forces (British Commonwealth) Act, 1933*  
23 & 24 Geo. 5. c. 6.

9.—(1) The power conferred by subsection (2) of section four to place members of Her Majesty’s military or air forces raised in the United Kingdom at the disposal of the service authorities of another part of the Commonwealth shall not be exercisable in relation to any person without his consent ; and the limitation hereinbefore contained shall have effect in substitution for so much of paragraph (ii) of the said subsection (2) as provides that the said power shall be exercisable in relation to those forces subject to anything to the contrary in the conditions applicable to a person’s service.

(2) In subsection (3) of section four the words “ as an officer or soldier ” shall be omitted, for the words from “ the Air Force Act ” to “ airman ” there shall be substituted the words “ air-force law ”, and for the words “ the Army Act or the Air Force Act ” there shall be substituted the words “ the Army Act, 1955, or the Air Force Act, 1955 ”.

*The National Service Act, 1948*  
11 & 12 Geo. 6. c. 64.

10. In the Second Schedule, in paragraph (a) of the proviso to paragraph 1 for the words “ the Air Force Act ” there shall be substituted the words “ air-force law.”

*The Recall of Army and Air Force Pensioners Act, 1948*  
12, 13 & 14 Geo. 6. c. 8.

11. In section two, in subsection (2) for the words from “ beginning with ” to the end of the section there shall be substituted—

“ hereinafter mentioned :

Provided that any such person shall, if on his recall he so requires, be so enlisted for the said period in accordance with section two of the Army Act, 1955, or of the Air Force Act, 1955, as the case may require, and thereupon he shall not be deemed to have been enlisted by virtue of the foregoing provisions of this subsection.

(3) The period hereinbefore referred to is the period beginning with the time as from which a person is recalled for service under this Act and ending with such date as Her Majesty may by Order in Council declare to be the end of the emergency which was the occasion of the calling-out on permanent service of men of the reserve in question ; and nothing in the provisions of the Army Act, 1955, or the Air Force Act, 1955, as to the term for which a person may be enlisted shall prejudice the operation of the foregoing provisions of this section”.

2ND SCH.  
—cont.

*The Auxiliary and Reserve Forces Act, 1949*

12, 13 & 14 Geo. 6. c. 96.

12. In section nine, in paragraph (b) of subsection (5) the words from “in accordance with” to “Royal Marines Act, 1948” shall be omitted.

*The Army Reserve Act, 1950*

14 Geo. 6. c. 32.

13.—(1) For the words “the Army Act” wherever those words occur there shall be substituted the words “the Army Act, 1955”:

Provided that references to transfer to the reserve in pursuance of the Army Act shall be construed as references to transfer to the reserve in pursuance either of the Army Act or of the Army Act, 1955.

(2) In section three the following subsections shall be substituted for subsections (2) and (3):—

“(2) Subject to the provisions of this Act and save as is otherwise prescribed, a man enlisting in the army reserve shall be attested in the same manner as a recruit in the regular forces, and the following provisions of the Army Act, 1955, that is to say,—

- (a) section two and the First Schedule (which relate to the mode of enlistment and attestation);
- (b) section eighteen (which relates to the validity of attestation and enlistment);
- (c) section nineteen (which makes recruits punishable for false answers); and
- (d) so much of section one hundred and ninety-eight as relates to the attestation paper or a document purporting to be a copy thereof being evidence,

shall apply in like manner as if they were re-enacted in this Act, with the substitution for the expression ‘soldier’ of the expression ‘man’ and for the expression ‘regular forces’ of the expression ‘army reserve’.

(3) A man enlisting in the army reserve may be attested by a regular officer, and the provisions of the Army Act, 1955, mentioned in the last foregoing subsection, together also with section sixty-one (which relates to false answers on enlistment), shall in their application to the army reserve be construed as if the expression ‘recruiting officer’ included any regular officer.”

(3) For section seven there shall be substituted the following section:—

“Appoint-  
ment to corps  
of men called  
out on  
permanent  
service. 7. A man of the army reserve on being called out on permanent service may be appointed to any corps; and subsection (3) of section three of the Army Act, 1955, shall apply to such men so called out as it applies to soldiers of the regular forces.”

(4) In section eight, in subsection (3) the words from “and any” to the beginning of the proviso shall be omitted, and at the end of the section there shall be added the following subsection:—

“(4) Sections nine and thirteen of the Army Act, 1955, so far as they relate to discharge, shall apply to men of the army reserve called out on permanent service as they apply to soldiers of the regular forces, and nothing in the last foregoing subsection shall prejudice the operation of the said sections nine and thirteen as applied by this subsection.”

(5) In subsection (1) of section twelve for the words from “a soldier” to “however” there shall be substituted the words “in pursuance of the proviso to subsection (2) of section twelve of the Army Act, 1955, a soldier of the regular forces is transferred to the reserve outside the United Kingdom he shall serve therein subject”.

(6) After section twelve there shall be inserted the following section:—

“Discharge of persons of unsound mind. 12A. Section sixteen of the Army Act, 1955 shall apply to men of the army reserve while subject to military law as it applies to soldiers of the regular forces”.

(7) In section fourteen for the words “section twelve” and “section fifteen” wherever they occur there shall be substituted respectively the words “section thirty-seven” and “section thirty-eight”; and in subsection (5) of that section for the words “Section one hundred and fifty-four” there shall be substituted the words “The provisions of sections one hundred and eighty-six to one hundred and ninety”, for the words “it applies” there shall be substituted the words “they apply”, and for the words “that section” there shall be substituted the words “those provisions”.

(8) In section fifteen, in subsection (3) for the words “paragraph (3) of section one hundred and fifty-three of the Army Act” there shall be substituted the words “paragraph (c) of subsection (1) of section one hundred and ninety-two of the Army Act, 1955”.

(9) In section eighteen, for subsections (2) and (3) there shall be substituted the following subsections:—

“(2) Sections two hundred and twenty and two hundred and twenty-one of the Army Act, 1955 (which relate to the jurisdiction of courts and the disposal of summary fines) shall apply for the purposes of offences under this Act.

(3) Notwithstanding anything contained in any other Act, the minimum fixed by this Act for the amount of any fine or the term of any imprisonment shall be duly observed by courts of summary jurisdiction and shall not be reduced by way of mitigation or otherwise; but where the said minimum exceeds the maximum which such a court has power to inflict (whether by reason of its constitution or by reason of the place where it is sitting) the said maximum shall be deemed, in proceedings before that court, to be substituted for the minimum fixed by this Act”.

and in subsection (4) the words from “or an offence” to “personation” shall be omitted.

(10) In section twenty in subsection (1) for the words “court of inquiry under section seventy-two” there shall be substituted the

2ND SCH.  
—cont.

words “board of inquiry under section one hundred and thirty-five”; and for the words “that section” there shall be substituted the words “section one hundred and thirty-six of that Act”.

(11) In section twenty-one in subsection (1) for the words “one hundred and sixty-three” there shall be substituted the words “one hundred and ninety-eight” and at the end of the subsection there shall be inserted the words “and subsection (3) of section one hundred and eighty-nine of that Act (which relates to evidence in cases of desertion and absence without leave) shall apply to proceedings under this Act for offences contrary to subsection (1) or (2) of section fourteen of this Act”, and in subsection (2) for the words “one hundred and sixty-four” there shall be substituted the words “one hundred and ninety-nine”.

(12) In section twenty-two in subsection (1) for the words “one hundred and forty-three” there shall be substituted the words “one hundred and eighty-four”.

(13) In section twenty-eight for the words “Part II of the Army Act” there shall be substituted the words “Part I of the Army Act, 1955”, and after the definition of “prescribed” there shall be inserted—

“‘soldier’ includes a warrant officer and a non-commissioned officer”;

and subsection (3) shall be omitted.

*The Air Force Reserve Act, 1950*

14 Geo. 6. c. 33.

14.—(1) For the words “the Air Force Act” wherever those words occur, except in the phrase “subject to the Air Force Act”, there shall be substituted the words “the Air Force Act, 1955”:

Provided that references to transfer to the reserve in pursuance of the Air Force Act shall be construed as references to transfer to the reserve in pursuance either of the Air Force Act or of the Air Force Act, 1955.

(2) In section three the following subsections shall be substituted for subsections (2) and (3):—

“(2) Subject to the provisions of this Act and save as is otherwise prescribed, a man enlisting in the air force reserve shall be attested in the same manner as a recruit in the regular air force, and the following provisions of the Air Force Act, 1955, that is to say,—

- (a) section two and the First Schedule (which relate to the mode of enlistment and attestation);
- (b) section eighteen (which relates to the validity of attestation and enlistment);
- (c) section nineteen (which makes recruits punishable for false answers); and
- (d) so much of section one hundred and ninety-eight as relates to the attestation paper or a document purporting to be a copy thereof being evidence,

shall apply in like manner as if they were re-enacted in this Act, with the substitution for the expression ‘airman’ of the expression ‘man’ and for the expression ‘regular air force’ of the expression ‘air force reserve’.

(3) A man enlisting in the air force reserve may be attested by a regular officer and the provisions of the Air Force Act, 1955, mentioned in the last foregoing subsection, together also with section sixty-one (which relates to false answers on enlistment), shall in their application to the air force reserve be construed as if the expression 'recruiting officer' included any regular officer."

(3) Section seven shall be omitted.

(4) In section eight, in subsection (3) the words from "and any" to the beginning of the proviso shall be omitted, and at the end of the section there shall be added the following subsection:—

"(4) Sections nine and thirteen of the Air Force Act, 1955, so far as they relate to discharge, shall apply to men of the air force reserve called out on permanent service as they apply to airmen of the regular air force, and nothing in the last foregoing subsection shall prejudice the operation of the said sections nine and thirteen as applied by this subsection."

(5) In subsection (1) of section twelve for the words from "an airman" to "however" there shall be substituted the words "in pursuance of the proviso to subsection (2) of section twelve of the Air Force Act, 1955, an airman of the regular air force is transferred to the reserve outside the United Kingdom he shall serve therein subject".

(6) After section twelve there shall be inserted the following section:—

"Discharge of persons of unsound mind. 12A. Section sixteen of the Air Force Act, 1955, shall apply to men of the air force reserve while subject to air-force law as it applies to airmen of the regular air force."

(7) In section fourteen for the words "section twelve" and "section fifteen" wherever they occur there shall be substituted respectively the words "section thirty-seven" and "section thirty-eight"; in subsection (3) for the words "subject thereto" there shall be substituted the words "subject to air-force law"; and in subsection (5) for the words "Section one hundred and fifty-four" there shall be substituted the words "The provisions of sections one hundred and eighty-six to one hundred and ninety", for the words "it applies" there shall be substituted the words "they apply", and for the words "that section" there shall be substituted the words "those provisions".

(8) In section fifteen, in subsection (3) for the words "paragraph (3) of section one hundred and fifty-three of the Air Force Act" there shall be substituted the words "paragraph (c) of subsection (1) of section one hundred and ninety-two of the Air Force Act, 1955".

(9) In section seventeen, in paragraph (c) of subsection (1) and in subsection (2) for the words "subject to the Air Force Act" there shall be substituted the words "subject to air-force law".

(10) In section eighteen, for subsections (2) and (3) there shall be substituted the following subsections:—

"(2) Sections two hundred and eighteen and two hundred and nineteen of the Air Force Act, 1955 (which relate to the jurisdiction of courts and the disposal of summary fines) shall apply for the purposes of offences under this Act.

2ND SCH.  
—cont.

(3) Notwithstanding anything contained in any other Act, the minimum fixed by this Act for the amount of any fine or the term of any imprisonment shall be duly observed by courts of summary jurisdiction and shall not be reduced by way of mitigation or otherwise; but where the said minimum exceeds the maximum which such a court has power to inflict (whether by reason of its constitution or by reason of the place where it is sitting) the said maximum shall be deemed, in proceedings before that court, to be substituted for the minimum fixed by this Act”.

and in subsection (4) the words from “or an offence” to “personation” shall be omitted.

(11) In section twenty, in subsection (1), for the words “subject to the Air Force Act” in each place where they occur there shall be substituted the words “subject to air-force law”, for the words “court of inquiry under section seventy-two” there shall be substituted the words “board of inquiry under section one hundred and thirty-five”, and for the words “that section” there shall be substituted the words “section one hundred and thirty-six of that Act”.

(12) In section twenty-one, in subsection (1) for the words “one hundred and sixty-three” there shall be substituted the words “one hundred and ninety-eight”, and at the end of the subsection there shall be inserted the words “and subsection (3) of section one hundred and eighty-nine of that Act (which relates to evidence in cases of desertion and absence without leave) shall apply to proceedings under this Act for offences contrary to subsection (1) or (2) of section fourteen of this Act”, and in subsection (2) for the words “one hundred and sixty-four” there shall be substituted the words “one hundred and ninety-nine” and for the words “subject to that Act” and the words “subject to the said Act” there shall be substituted the words “subject to air-force law”.

(13) In section twenty-two, in subsection (1) for the words “one hundred and forty-three” there shall be substituted the words “one hundred and eighty-four”.

(14) In section twenty-seven for the words “Part II of the Air Force Act” there shall be substituted the words “Part I of the Air Force Act, 1955”, and after the definition of “prescribed” there shall be inserted—

“ ‘airman’ includes a warrant officer and a non-commissioned officer”;

and subsection (4) shall be omitted.

*The Courts-Martial (Appeals) Act, 1951*

14 & 15, Geo. 6. c. 46.

15.—(1) In section three, for paragraph (b) of subsection (3) there shall be substituted:—

“(b) in the case of a conviction by an army court-martial, the Army Council; and

(c) in the case of a conviction by an air force court-martial, the Air Council”.

and the proviso to that subsection shall be omitted.



(2) In section six, in subsection (4) for the words “section one hundred and thirty of the Army Act or section one hundred and thirty of the Air Force Act” there shall be substituted the words “section one hundred and sixteen of the Army Act, 1955, or section one hundred and sixteen of the Air Force Act, 1955,” and for the words “on a special finding” there shall be substituted the words “on a finding”; and in subsection (5) for the words “the Army Act or the Air Force Act” there shall be substituted the words “the Army Act, 1955, or the Air Force Act, 1955”.

(3) Section fifteen shall be omitted.

(4) In section seventeen, for paragraphs (a) to (c) there shall be substituted the following paragraphs—

“(a) section eighty-one of the Naval Discipline Act ;

(b) section one hundred and twenty-one or one hundred and twenty-two of the Army Act, 1955 ;

(c) section one hundred and twenty-one or one hundred and twenty-two of the Air Force Act, 1955.”

(5) In section twenty-four, for the words “the Army Act” and “the Air Force Act” wherever they occur there shall be substituted respectively the words “the Army Act, 1955” and “the Air Force Act, 1955”, in subsection (2) after the word “expression” there shall be inserted the word “on”, for the words “section one hundred and ninety” there shall be substituted, where they first occur, the words “section two hundred and twenty-four” and, where they last occur, the words “section two hundred and twenty-two”, and subsection (3) shall be omitted.

(6) Notwithstanding anything in sub-paragraph (1) of this paragraph, a petition presented to the Secretary of State shall be treated for the purposes of section three as duly presented if the finding of the court-martial was promulgated before the appointed day ; and nothing in the last foregoing sub-paragraph shall affect the application of the Act to courts-martial held before that day.

#### *The Defamation Act, 1952*

15 & 16 Geo. 6. & 1 Eliz. 2. c. 66.

16. In the Schedule, in paragraph 4, for the words “the Army Act or the Air Force Act” there shall be substituted the words “the Army Act, 1955 or the Air Force Act, 1955”.

#### *The Visiting Forces Act, 1952*

15 & 16 Geo. 6. & 1 Eliz. 2. c. 67.

17.—(1) The following subsections shall be substituted for subsections (1) to (4) of section thirteen :—

“(1) Subject to the provisions of this section, sections one hundred and eighty-six to one hundred and eighty-eight and one hundred and ninety of the Army Act, 1955 (which relate to the apprehension, custody and delivery into military custody of deserters and absentees without leave from the regular forces)

2ND SCH.  
—cont.

shall within the United Kingdom apply in relation to deserters and absentees without leave from the forces of any country to which this section applies as they apply in relation to deserters and absentees without leave from the regular forces.

(2) The powers conferred by the said sections one hundred and eighty-six and one hundred and eighty-eight, as applied by the last foregoing subsection, shall not be exercised in relation to a person except in compliance with a request (whether specific or general) of the appropriate authority of the country to which he belongs.

(3) In sections one hundred and eighty-seven, one hundred and eighty-eight and one hundred and ninety of the Army Act, 1955, as applied by subsection (1) of this section, references to the delivery of a person into military custody shall be construed as references to the handing over of that person to such authority of the country to which he belongs, at such place in the United Kingdom, as may be designated by the appropriate authority of that country”.

(2) In section fourteen for the words “ Army Act ” there shall be substituted the words “ Army Act, 1955 ”.

*The Auxiliary Forces Act, 1953*

1 & 2 Eliz. 2. c. 50.

18.—(1) For the words “ the Army Act ” and, save as hereinafter provided, “ the Air Force Act ” wherever they occur there shall be substituted respectively the words “ the Army Act, 1955 ” and “ the Air Force Act, 1955 ”.

(2) In section twelve, the proviso to subsection (2) shall be omitted, and in subsection (3) for the words “ section thirty-three ” there shall be substituted the words “ section sixty-one “ and for the words “ justice of the peace ” there shall be substituted the words “ recruiting officer ”.

(3) After section eighteen there shall be inserted the following section :—

“ Discharge  
of persons  
of unsound  
mind.

18A. Section sixteen of the Army Act, 1955 shall apply to men of the Territorial Army while subject to military law as it applies to soldiers of the regular forces, and section sixteen of the Air Force Act, 1955 shall apply to men of the Royal Auxiliary Air Force while subject to air-force law as it applies to airmen of the regular air force.”

(4) In section twenty-seven, in subsection (1) for the words “ section twelve ” there shall be substituted the words “ section thirty-seven ”, and for the words “ section fifteen ” there shall be substituted the words “ section thirty-eight ”, in subsection (3) for the words “ section one hundred and fifty-four ” there shall be substituted the words “ sections one hundred and eighty-six to one hundred and ninety ”.

in subsection (4) for the words "paragraph (3) of section one hundred and fifty-three" there shall be substituted the words "paragraph (c) of subsection (1) of section one hundred and ninety-two".

2ND SCH.  
—cont.

(5) Section thirty shall be omitted.

(6) In section thirty-one in subsection (5) for the words preceding paragraph (a) there shall be substituted the following words—

"Section two hundred and twenty of the Army Act, 1955, and section two hundred and eighteen of the Air Force Act, 1955, shall apply to offences under this Act relating to an officer or man of the Territorial Army or the Royal Auxiliary Air Force respectively, and the following provisions shall have effect as regards fines recoverable on summary conviction for any such offence, that is to say",

and in paragraph (b) the words "or in the said sections one hundred and sixty-six to one hundred and sixty-eight" shall be omitted, and subsection (7) shall be omitted.

(7) In section thirty-two for the words "the Air Force Act" in the first and third places where they occur there shall be substituted the words "air-force law", and for the words "court of inquiry under section seventy-two" there shall be substituted the words "board of inquiry under section one hundred and thirty-five".

(8) In section thirty-four, in subsection (1) for the words "section one hundred and sixty-three" there shall be substituted the words "section one hundred and ninety-eight", and at the end of the subsection there shall be inserted the words "and subsection (3) of section one hundred and eighty-nine of that Act (which relates to evidence in cases of desertion and absence without leave) shall apply to proceedings under this Act for offences contrary to subsection (1) of section twenty-seven of this Act"; in subsection (2) for the words "section one hundred and sixty-four" there shall be substituted the words "section one hundred and ninety-nine", and in subsection (3) for the words "the Air Force Act" there shall be substituted the words "the Air Force Act, 1955, and air-force law".

(9) In section thirty-seven for the words "section one hundred and forty-three" there shall be substituted the words "section one hundred and eighty-four".

(10) At the end of section forty-eight there shall be added the following subsection:—

"(2) All fines imposed in proceedings taken before a magistrate's court in Northern Ireland shall, notwithstanding anything in paragraph (ii) of subsection (5) of section twenty of the Administration of Justice Act (Northern Ireland), 1954, be dealt with in the manner provided by that section".

2ND SCH.  
—cont.

(11) For the Second Schedule there shall be substituted the following Schedule:—

“ SECOND SCHEDULE

APPLICATION OF PROVISIONS OF ARMY ACT, 1955, AND OF AIR FORCE ACT, 1955, RELATING TO ENLISTMENT

1. The provisions of the Army Act, 1955, and of the Air Force Act, 1955 referred to in subsection (2) of section twelve of this Act are the following, that is to say—

section two and the First Schedule (which relate to the mode of enlistment and attestation),

section eighteen (which relates to the validity of attestation and enlistment),

section nineteen (which makes recruits punishable for false answers), and

so much of section one hundred and ninety-eight as relates to the attestation paper or a document purporting to be a copy thereof being evidence.

2. The modifications of the Army Act, 1955, referred to in subsection (2) of section twelve of this Act are the following, that is to say—

for references to the regular forces there shall be substituted references to the Territorial Army,

for references to a soldier there shall be substituted references to a man of the Territorial Army,

and the references in section eighteen to the receipt of pay shall be omitted.

3. The modifications of the Air Force Act, 1955, referred to in subsection (2) of section twelve of this Act are the following, that is to say—

for references to the regular air force there shall be substituted references to the Royal Auxiliary Air Force,

for references to an airman there shall be substituted references to a man of the Royal Auxiliary Air Force.

and the references in section eighteen to the receipt of pay shall be omitted.”

## THIRD SCHEDULE

Section 4.

PROVISIONS REPLACING SECTIONS 174 AND 174A OF  
ARMY AND AIR FORCE ACTS*Entertainments under Service direction*

1.—(1) So much of any Act as operates to prohibit as respects particular days, or otherwise to restrict or regulate, the keeping, opening or using of premises for purposes of public entertainment or amusement shall not apply to the use, by authority of a Secretary of State or the Admiralty, of any building at a camp, station, or naval establishment, or of any ship, for entertainments or amusements under the direction and control of an officer or committee having official responsibility for such matters.

(2) For the purposes of this paragraph, the expression "public entertainment or amusement" includes public dancing, singing or music, the public performance of stage plays and the giving of cinematograph exhibitions; and in the case of a building or ship which is used for the giving of cinematograph exhibitions, the keeping or storing of films shall be deemed to be part of the use thereof for the giving of exhibitions.

*Licences of canteens in Northern Ireland*

2. In Northern Ireland when a person holds a canteen under the authority of a Secretary of State or the Admiralty, it shall be lawful for any resident magistrate to grant any certificate for the time being required to enable such person to obtain the grant, transfer or renewal of, and to hold, any excise licence for the sale of any intoxicating liquor, without regard to the time of year, and without regard to the requirements as to notices or otherwise of any Act for the time being in force affecting such certificates; and excise licences may, upon production of such certificates, be granted to such persons accordingly.

## FOURTH SCHEDULE

Section 5.

## ENACTMENTS (OTHER THAN ANNUAL ACTS) REPEALED

| Session and Chapter      | Short title                     | Extent of repeal                                                                                                                                                                    |
|--------------------------|---------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 10 & 11 Vict.<br>c. 63.  | The Royal Marines Act,<br>1847. | The whole Act so far as still in force.                                                                                                                                             |
| 20 Vict. c. 1.           | The Royal Marines Act,<br>1857. | The whole Act so far as still in force.                                                                                                                                             |
| 29 & 30 Vict.<br>c. 109. | The Naval Discipline Act.       | In section eighty-five, the words from "as regards the United Kingdom" to "as regards" and the words from "this Act shall be in force and" to the end of the section; the Schedule. |

4TH SCH.  
—cont.

| Session and Chapter       | Short title                                               | Extent of repeal                                                                                                                                              |
|---------------------------|-----------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 47 & 48 Vict.<br>c. 31.   | The Colonial Prisoners Removal Act, 1884.                 | In section sixteen, subsection (1).                                                                                                                           |
| 47 & 48 Vict.<br>c. 55.   | The Pensions and Yeomanry Pay Act, 1884.                  | In section three, subsection (2).                                                                                                                             |
| 51 & 52 Vict.<br>c. 31.   | The National Defence Act, 1888.                           | Section five.                                                                                                                                                 |
| 53 & 54 Vict.<br>c. 42.   | The Reserve Forces Act, 1890.                             | The whole Act so far as still in force.                                                                                                                       |
| 56 & 57 Vict.<br>c. 5.    | The Regimental Debts Act, 1893.                           | In section eleven the words "Medals and," in section twenty-three the words from "or is delivered up" to "or otherwise".                                      |
| 57 & 58 Vict.<br>c. 45.   | The Uniforms Act, 1894                                    | In section four the words "within the meaning of the Army Act".                                                                                               |
| 61 & 62 Vict.<br>c. 36.   | The Criminal Evidence Act, 1898.                          | In section six, subsection (2).                                                                                                                               |
| 4 & 5 Geo. 5.<br>c. 26.   | The Army (Supply of Food, Forage and Stores) Act, 1914.   | The whole Act.                                                                                                                                                |
| 4 & 5 Geo. 5.<br>c. 70.   | The Naval Billeting, &c. Act, 1914.                       | In section one, subsection (2).                                                                                                                               |
| 5 & 6 Geo. 5.<br>c. 26.   | The Army (Amendment) Act, 1915.                           | The whole Act so far as still in force.                                                                                                                       |
| 5 & 6 Geo. 5.<br>c. 58.   | The Army (Amendment) No. 2 Act, 1915.                     | The whole Act so far as still in force.                                                                                                                       |
| 7 & 8 Geo. 5.<br>c. 51.   | The Air Force (Constitution) Act, 1917.                   | In section seven, the words "and Part II" and the words "and the Army Act respectively"; section twelve; in the First Schedule, Part II; the Second Schedule. |
| 9 & 10 Geo. 5.<br>c. 75.  | The Ferries (Acquisition by Local Authorities) Act, 1919. | In section four, the words "and save as provided by the Army Act".                                                                                            |
| 11 & 12 Geo. 5.<br>c. 37. | The Territorial Army and Militia Act, 1921.               | Section three, and the First Schedule.                                                                                                                        |
| 14 & 15 Geo. 5.<br>c. 15. | The Auxiliary Air Force and Air Force Reserve Act, 1924.  | In section three, paragraph (3).                                                                                                                              |
| 2 & 3 Geo. 6.<br>c. 88.   | The Royal Marines Act, 1939.                              | The whole Act.                                                                                                                                                |
| 10 & 11 Geo. 6.<br>c. 4.  | The Royal Marines Act, 1946.                              | The whole Act.                                                                                                                                                |
| 10 & 11 Geo. 6.<br>c. 30. | The Indian Independence Act, 1947.                        | In section twelve, subsection (2) and in subsection (4) the words "(2) and" and the words from "and in particular" to "that Schedule"; the Third Schedule.    |
| 11 & 12 Geo. 6.<br>c. 7.  | The Ceylon Independence Act, 1947.                        | Section two.                                                                                                                                                  |
| 11 & 12 Geo. 6.<br>c. 10. | The Emergency Laws (Miscellaneous Provisions) Act, 1947.  | In the Second Schedule, paragraph 2.                                                                                                                          |

4TH SCH.  
—cont.

| Session and Chapter                       | Short title                                               | Extent of repeal                                                                                                                                                                                            |
|-------------------------------------------|-----------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 11 & 12 Geo. 6.<br>c. 21.                 | The Army and Air Force<br>(Women's Service) Act,<br>1948. | In section three, in subsection (1), the words from "the provisions of the Army Act" to the second "and", the word "other" where it first occurs, and the words from "including enactments" to "aforesaid". |
| 11 & 12 Geo. 6.<br>c. 25.                 | The Royal Marines Act,<br>1948.                           | Section two.                                                                                                                                                                                                |
| 12, 13 & 14<br>Geo. 6. c. 96.             | The Auxiliary and Reserve<br>Forces Act, 1949.            | In section nine, in paragraph (b) of subsection (5), the words from "in accordance with" to "Royal Marines Act, 1948"; in the First Schedule, the entries relating to the Army Act and the Air Force Act.   |
| 14 Geo. 6.<br>c. 32.                      | The Army Reserve Act,<br>1950.                            | In section eighteen, in subsection (4) the words from "or an offence" to "personation"; in section twenty-eight, subsection (3).                                                                            |
| 14 Geo. 6.<br>c. 33.                      | The Air Force Reserve<br>Act, 1950.                       | Section seven; in section eighteen in subsection (4) the words from "or an offence" to "personation"; in section twenty-seven, subsection (4).                                                              |
| 14 & 15 Geo. 6.<br>c. 46.                 | The Courts-Martial<br>(Appeals) Act, 1951.                | In section three the proviso to subsection (3); section fifteen; in section twenty-four, subsection (3).                                                                                                    |
| 15 Geo. 6. c. 8.                          | The Home Guard Act,<br>1951.                              | In section one, the proviso to subsection (2) and subsection (6); in section four, in subsection (2), the words from "and" to "thereto"; the Schedule.                                                      |
| 15 & 16 Geo. 6.<br>& 1 Eliz. 2.<br>c. 55. | The Magistrates' Courts<br>Act, 1952.                     | In the Fourth Schedule, the entries relating to the Army Act.                                                                                                                                               |
| 15 & 16 Geo. 6.<br>& 1 Eliz. 2.<br>c. 67. | The Visiting Forces Act,<br>1952.                         | In section thirteen, subsections (5) and (7).                                                                                                                                                               |
| 1 & 2 Eliz. 2.<br>c. 50.                  | The Auxiliary Forces Act,<br>1953.                        | In section twelve the proviso to subsection (2); section thirty; in section thirty-one, in subsection (5) the words from "or in" to "sixty-eight", and subsection (7).                                      |

*Table of Statutes referred to in this Act*

| Short Title                                                      | Session and Chapter                    |
|------------------------------------------------------------------|----------------------------------------|
| Naval Discipline Act ... ..                                      | 29 & 30 Vict. c. 109.                  |
| Army Act ... ..                                                  | 44 & 45 Vict. c. 58.                   |
| Naval Enlistment Act, 1884 ... ..                                | 47 & 48 Vict. c. 46.                   |
| Interpretation Act, 1889 ... ..                                  | 52 & 53 Vict. c. 63.                   |
| Regimental Debts Act, 1893 ... ..                                | 56 & 57 Vict. c. 5.                    |
| Uniforms Act, 1894 ... ..                                        | 57 & 58 Vict. c. 45.                   |
| Criminal Evidence Act, 1898 ... ..                               | 61 & 62 Vict. c. 36.                   |
| Naval Billeting, &c. Act, 1914 ... ..                            | 4 & 5 Geo. 5. c. 70.                   |
| Navy (Pledging of Certificates, &c.) Act, 1914<br>Air Force Act. | 4 & 5 Geo. 5. c. 89.                   |
| Ferries (Acquisition of Local Authorities)<br>Act, 1919.         | 9 & 10 Geo. 5. c. 75.                  |
| Visiting Forces (British Commonwealth) Act,<br>1933.             | 23 & 24 Geo. 5. c. 6.                  |
| Royal Marines Act, 1948 ... ..                                   | 11 & 12 Geo. 6. c. 25.                 |
| National Service Act, 1948 ... ..                                | 11 & 12 Geo. 6. c. 64.                 |
| Recall of Army and Air Force Pensioners<br>Act, 1948.            | 12, 13 & 14 Geo. 6. c. 8.              |
| Auxiliary and Reserve Forces Act, 1949 ...                       | 12, 13 & 14 Geo. 6. c. 96.             |
| Army Reserve Act, 1950 ... ..                                    | 14 Geo. 6. c. 32.                      |
| Air Force Reserve Act, 1950... ..                                | 14 Geo. 6. c. 33.                      |
| Courts-Martial (Appeals) Act, 1951 ...                           | 14 & 15 Geo. 6. c. 46.                 |
| Army and Air Force (Annual) Act, 1952 ...                        | 15 & 16 Geo. 6. & 1 Eliz. 2.<br>c. 24. |
| Defamation Act, 1952 ... ..                                      | 15 & 16 Geo. 6. & 1 Eliz. 2.<br>c. 66. |
| Visiting Forces Act, 1952 ... ..                                 | 15 & 16 Geo. 6. & 1 Eliz. 2.<br>c. 67. |
| Auxiliary Forces Act, 1953 ... ..                                | 1 & 2 Eliz. 2. c. 50.                  |
| Army Act, 1955 ... ..                                            | 3 & 4 Eliz. 2. c. 18.                  |
| Air Force Act, 1955 ... ..                                       | 3 & 4 Eliz. 2. c. 19.                  |



## CHAPTER 21

*Crofters (Scotland) Act, 1955*

## ARRANGEMENT OF SECTIONS

*Establishment of Crofters Commission*

## Section

1. Constitution and general functions of Crofters Commission.
2. Particular powers and duties of the Commission.

*Crofting Tenure*

3. Definition of "croft" and "crofter", and conditions of tenure of crofter.
4. Registration of crofters.
5. Rent.
6. Record of croft.
7. Renunciation of tenancy.
8. Assignation of croft.
9. Sub-division of croft.
10. Bequest of croft.
11. Succession to croft.
12. Resumption of croft or part of croft by landlord.
13. Provisions as to removal of crofter.
14. Compensation for improvements and compensation for deterioration or damage.

*Administration of Crofts*

15. Commission to obtain information and to compile register of crofts.
16. Vacant crofts.
17. Absentee crofters.
18. Aged crofters.
19. Reorganisation schemes.
20. Provisions as to putting into effect of reorganisation schemes.
21. Duty of crofter to work croft in accordance with rules of good husbandry.
22. Power of Secretary of State to give financial assistance to crofters.
23. Supplementary provisions as to loans.

*Common Grazings*

24. Appointment, etc., of grazings committee or grazings constable.
25. Powers and duties of grazings committees.
26. Common grazings regulations.
27. Miscellaneous provisions as to common grazings, as to lands held runrig, and as to use by crofters of peat bogs, etc.

*Cottars*

28. Provisions as to cottars.

*Miscellaneous and General Provisions*

29. Service of notices.
30. Provisions as to entry and inspection.
31. Building grants and loans to owner-occupiers of like economic status as crofters.
32. Provisions as to compulsory purchase of land and as to management of land.
33. Provisions as to representations.
34. Determination of disputes, etc.
35. Financial provisions.
36. Regulations.

## Section

- 37. Interpretation.
- 38. Application of Act and modification of enactments in relation to the crofting counties.
- 39. Transitional provisions and savings.
- 40. Citation and commencement.

## SCHEDULES:

- First Schedule—Provisions as to the Crofters Commission.
- Second Schedule—The Statutory Conditions.
- Third Schedule—Provisions as to Security, etc. of Loans.
- Fourth Schedule—Rules of Good Husbandry.
- Fifth Schedule—Permanent Improvements.
- Sixth Schedule—Application of Enactments to Crofting Counties.

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An Act to make provision for the reorganisation, development and regulation of crofting in the crofting counties of Scotland; to authorise the making of grants and loans for the development of agricultural production on crofts and the making of grants and loans towards the provision of houses and buildings for crofters, cottars and others of like economic status; to re-enact the provisions of the Landholders Acts with respect to cottars; and for purposes connected with the matters aforesaid. [6th May, 1955]

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

*Establishment of Crofters Commission*

Constitution  
and general  
functions of  
Crofters  
Commission.

1.—(1) There shall be constituted a Commission to be called "the Crofters Commission" (hereafter in this Act referred to as "the Commission") which shall have the functions of reorganising, developing and regulating crofting in the crofting counties of Scotland, of promoting the interests of crofters there and of keeping under review matters relating to crofting, and such other functions as are conferred on them by or under this Act.

(2) The Commission shall carry out their functions in accordance with such directions of a general character as may be given by the Secretary of State and in carrying out their functions shall have regard to local circumstances and conditions.

(3) The Commission shall consist of not more than six members appointed by the Secretary of State, and of the members one shall be appointed by the Secretary of State to be chairman of the Commission.

(4) The Commission shall include members with knowledge of crofting conditions and at least one member who can speak the Gaelic language.

(5) The provisions contained in the First Schedule to this Act shall have effect in relation to the Commission.

2.—(1) In the exercise of their general functions of reorganising, developing and regulating crofting, it shall be the duty of the Commission :— Particular powers and duties of the Commission.

- (a) to keep under general review all matters relating to crofts and crofting conditions, including, without prejudice to the foregoing generality, land settlement, the improvement of land and livestock, the planting of trees, the supply of agricultural equipment and requisites, the marketing of agricultural produce, experimental work on crofting methods, the provision of demonstration crofts, the needs of the crofting communities for public services of all kinds, the provision of social amenities and the need for industries to provide supplementary occupations for crofters or work for their families ; and to make such recommendations as they may think fit on any of the matters aforesaid ;
- (b) to collaborate so far as their powers and duties permit with any body or person in the carrying out of any measures for the economic development and social improvement of the crofting counties ;
- (c) to advise the Secretary of State on any matter relating to crofts and crofting conditions which he may refer to them, or on which they may think fit to submit advice to him ;
- (d) to exercise the powers conferred on them by this Act in such manner as may seem to them in each case desirable.

(2) For the purpose of assisting them in the local execution of their functions under this Act, the Commission shall have power to appoint a panel of suitable persons resident in the crofting counties to act as assessors, when required by the Commission so to act, and may make to such assessors in respect of

any loss of earnings they would otherwise have made or any additional expenses (including travelling and subsistence expenses) to which they would not otherwise have been subject, being loss or expenses necessarily suffered or incurred by them for the purpose of enabling them to perform duties as such assessors, such payments as the Secretary of State may, with the approval of the Treasury, determine.

(3) The Commission shall send to the sheriff-clerk to be recorded in the Crofters Holdings Book every order, determination, consent, authorisation or other proceeding of theirs which they may think proper to be recorded therein; and the provisions of section twenty-seven of the Act of 1886 shall apply in relation thereto as they apply in relation to orders of the Land Court.

(4) The Commission shall make an annual report to the Secretary of State on the exercise and performance by them of their functions under this Act, and the Secretary of State shall lay a copy of the report before each House of Parliament, together with such comments as he may think fit to make.

### *Crofting Tenure*

Definition of  
"croft" and  
"crofter", and  
conditions of  
tenure of  
crofter.

3.—(1) In this Act the expression "croft" means—

- (a) as from the commencement of this Act, every holding (whether occupied by a landholder or not) situate in the crofting counties which was, immediately before the commencement of this Act, a holding to which any of the provisions of the Landholders Acts relating to landholders applied;
- (b) as from the commencement of this Act, every holding situate as aforesaid which was, immediately before the commencement of this Act, a holding to which the provisions of the Landholders Acts relating to statutory small tenants applied;
- (c) as from the date of registration, every holding situate as aforesaid which is constituted a croft by the registration of the tenant thereof as a crofter under section four of this Act.

(2) In this Act the expression "crofter" means the tenant of a croft.

(3) A crofter shall not be subject to be removed from the croft of which he is tenant except—

- (a) where one year's rent of the croft is unpaid;

- (b) in consequence of the breach of one or more of the conditions set out in the Second Schedule to this Act (in this Act referred to as "the statutory conditions"), other than the condition as to payment of rent; or
- (c) in pursuance of any enactment, including any enactment contained in this Act.

(4) Any contract or agreement made by a crofter by virtue of which he is deprived of any right conferred on him by any provision of this Act shall to that extent be void unless the contract or agreement is approved by the Land Court.

(5) For the purposes of this Act any right in pasture or grazing land held or to be held by the tenant of a croft, whether alone or in common with others, shall be deemed to form part of the croft.

4.—(1) The landlord and the tenant of any holding of which the annual rent does not exceed fifty pounds or of which the area does not exceed fifty acres (exclusive of any common pasture or grazing held or to be held therewith) may make joint application to the Land Court for the registration of the tenant of the holding as a crofter, and on such application the tenant shall be so registered; and where any such holding as aforesaid is constituted under any enactment authorising the Secretary of State to constitute new holdings and the Secretary of State makes application to the Land Court for the registration of the tenant of the holding as a crofter, the tenant shall be so registered. Registration  
of crofters.

(2) Not more than one person shall be registered as a crofter in respect of any holding.

(3) The procedure in connection with applications under this Act for registration as a crofter shall be such as may be provided by rules of the Land Court.

(4) Registration of a crofter under this Act shall be constituted by an order of the Land Court authorising his registration duly recorded, with the application on which it proceeds, in the Crofters Holdings Book.

5.—(1) The rent payable by a crofter as one of the statutory Rent. conditions shall be the yearly rent, including money and any prestations other than money, payable for the year current at the commencement of this Act or, in the case of a croft let after the commencement of this Act, fixed at the date of the letting, unless and until that rent is altered in accordance with the provisions of this Act.

(2) The rent may be altered by agreement in writing between the landlord and the crofter to such amount and for such period as may be so agreed; and thereupon the rent so agreed shall

be the rent payable by the crofter so long as the agreement subsists and thereafter so long as—

- (a) no new agreement between the landlord and the crofter shall have been made ; or
- (b) no different rent shall have been fixed by the Land Court under this Act.

(3) The Land Court may, on the application of the crofter or the landlord, determine what is a fair rent to be paid by the crofter to the landlord for the croft, and may pronounce an order accordingly ; and the rent so fixed by the Land Court shall be the rent payable by the crofter as from the first term of Whitsunday or Martinmas next succeeding the decision of the Land Court :

Provided that—

- (a) where the rent payable for the croft has been fixed by the Land Court it shall not be altered, except by mutual agreement between the crofter and the landlord, for a period of seven years from the term at which it first became payable ; and
- (b) where a croft is let after the commencement of this Act, the rent shall not be altered by the Land Court for a period of seven years from the term at which it first became payable or for such longer period as may have been agreed upon between the crofter and the landlord.

(4) Before determining what is a fair rent for a croft, the Land Court shall hear the parties and shall take into consideration all the circumstances of the case, of the croft and of the district, and in particular shall take into consideration any permanent or unexhausted improvements on the croft and suitable thereto which have been executed or paid for by the crofter or his predecessors in the tenancy.

Record of  
croft.

6.—(1) The Land Court shall, on the application of the landlord or the crofter, make a record of the condition of the cultivation of a croft and of the buildings and other permanent improvements thereon, and by whom the permanent improvements have been executed or paid for.

(2) Any application under this section shall be intimated by the Land Court to the other party concerned and each party shall be given an opportunity of being heard on any matter affecting the record of the croft.

Renunciation  
of tenancy.

7.—(1) A crofter shall be entitled, on one year's notice in writing to the landlord, to renounce his tenancy as at any term of Whitsunday or Martinmas.

(2) If a crofter renounces his tenancy the landlord shall be entitled to set off all rent due or to become due against any

sum found to be due to the crofter or to the Secretary of State by way of compensation for permanent improvements made on the croft.

**8.—(1)** A crofter shall not, except with the consent in writing of the Commission, assign his croft. Assignment of croft.

(2) A crofter wishing to assign his croft shall make application to the Commission for their consent to the assignation of his croft and shall at the same time inform his landlord in writing of his application.

(3) The Commission shall give notice to the landlord of any application made to them for their consent to the assignation of a croft and before giving their consent shall afford to the crofter and to the landlord an opportunity of making representations to them.

(4) In considering any application made as aforesaid the Commission shall take into account the family and other circumstances of the crofter and of the proposed assignee of the croft and the general interests of the township in which the croft is situated, and, where they give their consent, may give it subject to such terms and conditions, if any, as may to them seem fit.

(5) Where a crofter assigns his croft otherwise than with the consent in writing of the Commission, or, where such consent is given subject to terms and conditions, otherwise than in accordance with such terms and conditions, such assignation and any deed purporting so to assign the croft shall be null and void and the Commission may declare the croft to be vacant.

**9.** A crofter shall not, except with the consent in writing of the landlord and of the Commission, sub-divide his croft, and any sub-division of a croft otherwise than with such consent shall be null and void. Sub-division of croft.

**10.—(1)** A crofter may, by will or other testamentary writing, bequeath the tenancy of his croft to any one person; but where the power conferred by this subsection is exercised in favour of a person not being a member of the crofter's family, the bequest shall be null and void unless the Commission, on application made to them by the legatee, otherwise determine. Bequest of croft.

(2) A person to whom the tenancy of a croft is bequeathed as aforesaid (in this section referred to as "the legatee") shall, if he accepts the bequest, give notice of the bequest to the landlord within two months after the death of the crofter, unless he is prevented by some unavoidable cause from giving such notice within that time, and in that event he shall give such

notice within a further period of four months. If no such notice is given in accordance with the provisions of this subsection the bequest shall become null and void.

The giving of such notice shall import acceptance of the bequest and, unless the landlord intimates objection to the Commission under the next following subsection, the legatee shall come into the place of the deceased crofter in the croft as from the date of the death of the deceased crofter, and the landlord shall notify the Commission accordingly.

(3) Where notice has been given as aforesaid to the landlord he may within one month after the giving of the notice intimate to the legatee and to the Commission that he objects to receive the legatee as tenant of the croft and shall state the grounds of his objection.

(4) If, after affording to the legatee and to the landlord an opportunity of making representations to them, the Commission are satisfied that the objection is reasonable, they shall declare the bequest to be null and void, and shall notify the landlord and the legatee accordingly. If they are not so satisfied they shall notify the landlord and the legatee to that effect, and the legatee shall thereupon come into the place of the deceased crofter in the croft as from the date of the death of the deceased crofter.

(5) If the bequest becomes null and void under this section, the right to the croft shall thereupon devolve upon the heir-at-law of the deceased crofter.

(6) Subject to the foregoing provisions of this section, any question arising with respect to the validity or effect of the bequest shall be determined by any court having jurisdiction to determine the validity and effect of the whole testamentary writings of the deceased crofter.

(7) In this section the expression "member of the crofter's family" means the wife or husband of the crofter or his son-in-law or daughter-in-law or any person who, failing nearer heirs, would be entitled to succeed in case of intestacy to the tenancy of the croft.

Succession  
to croft.

11.—(1) Where, owing to the failure of a crofter to bequeath the tenancy of his croft or of such a bequest to receive effect, the right to the tenancy of the croft devolves upon the heir-at-law of the crofter, the landlord shall, subject to the provisions of subsection (2) of this section, accept as successor to the tenancy any heir of the deceased crofter, being a person who, failing nearer heirs, would be entitled to succeed to the tenancy, who within three months from the date on which the right to the croft devolved upon the heir-at-law makes application to the landlord



to be accepted as tenant; and the landlord shall notify the Commission accordingly:

Provided that the landlord shall not under this subsection accept any person as successor to the tenancy unless he is satisfied that there is no nearer heir who desires to succeed to the tenancy.

(2) In the event of the landlord not being satisfied as to any matter as to which he is required under this section to be satisfied or of any dispute arising thereunder with respect to the right of any person to be accepted as successor to the tenancy, the landlord shall, and any other person having an interest may, refer the question to the Commission for their determination, and the Commission shall determine it accordingly.

(3) If at the expiry of three months from the date on which the right to the croft devolved upon the heir-at-law no person has been accepted by the landlord as successor to the tenancy, the landlord shall forthwith notify the Commission to that effect.

(4) If at the expiry of the three months aforesaid it appears to the Commission, whether from a notification under the last foregoing subsection or otherwise, that no person has been accepted by the landlord as successor to the tenancy, the Commission shall give notice in such manner as they may think proper, whether by advertisement or otherwise, to persons who may claim to be entitled to succeed to the tenancy requiring them if they desire so to succeed to give intimation accordingly to the Commission before such date as may be specified in the notice, being a date not earlier than six months after the date on which the right to the croft devolved as aforesaid; and the Commission shall nominate as successor to the tenancy that one of the persons who have so given intimation who appears to them to be the nearest heir of the deceased crofter. The Commission shall give notice to the landlord of the person so nominated by them and the landlord shall accept that person as successor to the tenancy:

Provided that the Commission shall not, before the date specified in the notice given by them under this subsection, nominate any person as successor to the tenancy unless they are satisfied that there is no nearer heir who desires to succeed to the tenancy.

(5) If no person is duly nominated under the last foregoing subsection by the Commission as successor to the tenancy, the Commission shall declare the croft to be vacant and shall notify the landlord accordingly.

(6) Where the Commission have under the foregoing provisions of this section nominated a person as successor to the

tenancy or, as the case may be, have declared the croft to be vacant, the rights of all heirs (other than any heir so nominated) to succeed to the tenancy shall be extinguished.

(7) Where a croft has been declared under subsection (5) of this section to be vacant, the landlord shall be liable—

- (a) if the deceased crofter was at the date of his death under any liability to the Secretary of State in respect of any loan, to pay to the Secretary of State the whole or so much of the value of the improvements on the croft as will discharge the liability of the deceased crofter, and to pay to the executor of the deceased crofter, if a claim is made in that behalf not later than twelve months after the date on which the croft was declared to be vacant, any balance of the value aforesaid ;
- (b) if at the date of his death the deceased crofter was not under any such liability to the Secretary of State and a claim is made in that behalf as aforesaid, to pay to the executor of the deceased crofter the value of the improvements on the croft.

In this subsection the expression “ the value of the improvements on the croft ” means such sum as may be agreed, or as, failing agreement, may be determined by the Land Court, to be the sum which would have been due by the landlord by way of compensation for permanent improvements if the deceased crofter had immediately before his death renounced his tenancy.

(8) In this section any reference to the heir-at-law of a crofter includes a reference to any person entitled to succeed to the tenancy of the croft by virtue of the provisions of the Intestate Husband's Estate (Scotland) Acts, 1911 and 1919, or of section five of the Law Reform (Miscellaneous Provisions) (Scotland) Act, 1940.

(9) In the event of the heirs-at-law of a crofter being heirs portioners, the eldest of such heirs portioners shall be entitled to succeed to the tenancy without division.

Resumption  
of croft or  
part of croft  
by landlord.

12.—(1) The Land Court may, on the application of the landlord and on being satisfied that he desires to resume the croft, or part thereof, for some reasonable purpose having relation to the good of the croft or of the estate or to the public interest, authorise the resumption thereof by the landlord upon such terms and conditions as they may think fit, and may require the crofter to surrender his croft, in whole or in part, to the landlord accordingly, upon the landlord making adequate compensation to the crofter either by letting to him other land of equivalent value in the neighbourhood or by compensation in money or by way of an adjustment of rent or in such other manner as the Land Court may determine.

(2) For the purposes of the foregoing subsection the expression "reasonable purpose" shall include the using, letting or feuing of the land proposed to be resumed for the building of dwellings, or for small allotments, or for harbours, piers, boat shelters or other like buildings, or for churches or other places of religious worship, or for schools, or for halls or community centres, or for planting, or for roads practicable for vehicular traffic from the croft or township to the public road or to the seashore, and the protection of an ancient monument or other object of historical or archaeological interest from injury or destruction.

(3) Where an application is made, with the consent of a majority of the persons sharing in a common grazing and with the approval of the Commission, for authority to resume any land forming part of the common grazing for the purpose of using, letting or otherwise disposing of it for the planting of trees, the Land Court shall not withhold their authority for such resumption.

**13.—(1) When—**

- (a) one year's rent of a croft is unpaid, or
- (b) a crofter has broken one or more of the statutory conditions (other than the condition as to payment of rent),

Provisions as to removal of crofter.

the Land Court may, on the application of the landlord and after considering any objections stated by the crofter, make an order for the removal of the crofter.

(2) When a crofter whose rights to compensation for permanent improvements have been transferred in whole or in part to the Secretary of State under section twenty-three of this Act—

- (a) has abandoned his croft ; or
- (b) has broken any of the statutory conditions (other than the condition as to payment of rent) ; or
- (c) has broken any of the conditions of repayment of a loan contained in the agreement for the loan ;

the Land Court may, on the application of the Secretary of State and after considering any objections stated by the crofter or the landlord, make an order for the removal of the crofter.

(3) If a crofter is removed from his croft, the landlord shall be entitled to set off all rent due or to become due against any sum found to be due to the crofter or to the Secretary of State for permanent improvements made on the croft.

**14.—(1) When a crofter renounces his tenancy or is removed from his croft, he shall, subject to the provisions of this Act, be entitled to compensation for any permanent improvement made on the croft if—**

- (a) the improvement is suitable to the croft ; and

Compensation for improvements and compensation for deterioration or damage.

- (b) the improvement was executed or paid for by the crofter or any of his predecessors in the tenancy ; and
- (c) either the improvement was executed otherwise than in pursuance of a specific agreement in writing under which the crofter was bound to execute the improvement or, if the improvement was executed in pursuance of such an agreement, the crofter has not received, by way of reduction of rent or otherwise, fair consideration for the improvement.

## (2) Where—

- (a) a person on becoming the tenant of a croft has with the consent of the landlord paid to the outgoing tenant any compensation due to him in respect of any permanent improvement and has agreed with the Secretary of State to assume any outstanding liability to the Secretary of State of the outgoing tenant in respect of any loan made to him ; or
- (b) on a person becoming the tenant of a croft the Secretary of State on his behalf has paid to the landlord a sum representing the value to such person of an existing improvement on the croft ;

such person shall for the purposes of the foregoing subsection be deemed to have executed or paid for the improvement.

For the purposes of paragraph (a) of this subsection a landlord who has not paid the compensation due either to the outgoing tenant or to the Secretary of State and has not applied to the Secretary of State to determine under subsection (4) of section twenty-three of this Act that any amount due by him to the Secretary of State by virtue of subsection (3) of that section shall be deemed to be a loan by the Secretary of State to him shall be deemed to have given his consent.

(3) The provisions of subsection (1) of this section shall not apply to any buildings erected by a crofter in contravention of any interdict or other judicial order.

(4) An improvement shall be valued under this Act at such sum as fairly represents the value of the improvement to an incoming tenant.

(5) In fixing the amount of compensation payable under subsection (1) of this section for improvements there shall be taken into account and deducted from the compensation the value of any assistance or consideration which may be proved to have been given by the landlord or any of his predecessors in title in respect of any of the improvements.

(6) Where a crofter renounces his tenancy or is removed from his croft the landlord shall be entitled to recover from him compensation for any deterioration of, or damage to, any fixed equipment provided by the landlord committed or permitted by the crofter.

(7) The amount of the compensation payable under the last foregoing subsection shall be the cost, as at the date of the crofter's quitting the croft, of making good the deterioration or damage; and the landlord shall be entitled to set off the amount so payable against any compensation payable in respect of permanent improvements.

(8) The amount of the compensation payable under subsection (1) or subsection (6) of this section shall, failing agreement, be fixed by the Land Court.

(9) Where a crofter has given notice of renunciation of his tenancy, the Land Court may, on the joint application of the crofter and the landlord or, where the crofter's rights to compensation for permanent improvements have been transferred in whole or in part under section twenty-three of this Act to the Secretary of State, on the joint application of the Secretary of State and the landlord, assess prior to the renunciation the amounts which will on renunciation become due under this section by the landlord by way of compensation for permanent improvements and by the crofter by way of compensation for deterioration or damage; and the amounts so assessed shall, on renunciation, become due accordingly.

(10) Nothing in this Act shall affect the provisions of the Agricultural Holdings (Scotland) Act, 1949, with respect to the payment to outgoing tenants of compensation for improvements:

Provided that—

- (a) where any improvements are valued under that Act with a view to the payment of compensation to a crofter, the valuation shall, unless the landlord and the crofter otherwise agree in writing, be made by the Land Court; and
- (b) compensation shall not be payable under that Act for an improvement for which compensation is payable under this Act.

(11) Notwithstanding anything in this section, a crofter who immediately before the commencement of this Act was a statutory small tenant or the statutory successor of such a crofter shall not be entitled, in respect of any permanent improvement made or begun before the commencement of this Act, to any compensation to which he would not have been entitled if his tenancy had expired immediately before the commencement of this Act.

*Administration of Crofts*

Commission  
to obtain  
information  
and to compile  
register of  
crofts.

**15.—(1)** The Commission may by notice served on the owner or the occupier of any holding require him to furnish them with such information as may be specified in the notice with regard to the acreage, the rent and the tenure of the holding and with regard to such other matters relating to the ownership or the occupation of the holding as the Commission may reasonably require for the execution of their functions under this Act.

(2) It shall be the duty of the Commission to compile, and from time to time to revise, a register of crofts in such form and containing such particulars as may be approved by the Secretary of State.

(3) Where a landlord and a tenant agree, or where the Land Court decide, that the tenant of a holding is a crofter, it shall be the duty of the landlord in the case of such agreement, and of the Land Court in the case of such decision, forthwith to notify the Commission thereof.

(4) In the absence of agreement between the landlord and the tenant of a holding and of any decision by the Land Court that the tenant is a crofter, the Commission may, on such information as is available to them, decide whether or not to enter the holding in the register kept by them under this section as a croft, and shall give notice of their decision to the landlord and to the tenant; and unless within two months after the giving of such notice the landlord or the tenant applies to the Land Court for a declarator as to the status of the tenant, the decision of the Commission shall be final and conclusive on the matter.

(5) If any owner or occupier on whom a notice has been served under subsection (1) of this section—

- (a) fails without reasonable cause or neglects to furnish to the Commission within three months after the service of the notice the information specified in the notice; or
- (b) in furnishing such information as aforesaid knowingly or recklessly furnishes any information which is false in a material particular,

he shall be liable on summary conviction to a fine not exceeding ten pounds.

Vacant crofts. **16.—(1)** Where—

- (a) the landlord of a croft receives from the crofter a notice of renunciation of his tenancy or obtains from the Land Court an order for the removal of the crofter;
- or

- (b) for any other reason the croft has become vacant;

the landlord shall within one month from the receipt of the notice or from the date on which the Land Court made the order or

the vacancy came to his knowledge, as the case may be, give notice thereof to the Commission.

(2) Where any croft is at the commencement of this Act vacant or the subject of a notice of renunciation or of an order of the Land Court for the removal of the crofter which has not yet taken effect, the landlord shall within three months after the commencement of this Act give notice to that effect to the Commission.

(3) The landlord of a croft shall not, except with the consent in writing of the Commission, or, if the Commission withhold their consent, with the consent of the Secretary of State, let the croft or any part thereof to any person ; and any letting of the croft otherwise than with such consent shall be null and void.

(4) Where a croft is vacant the Commission may—

(a) in the case of a croft which is vacant at the commencement of this Act, at any time after the expiry of one month from the date on which notice of the vacancy is given under subsection (2) of this section, or after the expiry of four months from the commencement of this Act, whichever is the earlier ;

(b) in any other case, at any time after the expiry of one month from the occurrence of the vacancy ;

give notice to the landlord requiring him to submit to them his proposals for re-letting the croft, whether as a separate croft or as an enlargement of another croft, and if, within a period of two months from the giving of such notice, no such proposals are submitted or such proposals are submitted but the Commission refuse to approve them, the Commission may, if they think fit, themselves let the croft to such person or persons and on such terms and conditions (including conditions as to rent) as may be fixed by the Commission after consultation with the landlord ; and such let shall have effect in all respects as if it had been granted by the landlord :

Provided that the Commission shall not themselves let the croft while an application to the Secretary of State under subsection (3) of this section for consent to let, or under subsection (9) thereof for a direction that the croft shall cease to be a croft, is under the consideration of the Secretary of State.

(5) Where a croft has been let on terms and conditions fixed by the Commission, the landlord may within one month from the date of the letting apply to the Land Court for a variation of the terms and conditions so fixed, and any variation made in pursuance of such application shall have effect as from the date of the letting.

(6) Where the Commission have under subsection (4) of this section let a vacant croft as an enlargement of another croft, and

any of the buildings on the vacant croft thereby cease to be required in connection with the occupation of the croft, the Commission shall give notice to that effect to the landlord, and thereupon—

- (a) the buildings shall cease to form part of the croft ; and
- (b) the landlord may, at any time within six months after the giving of such notice, give notice to the Secretary of State requiring him to purchase the buildings.

(7) Where a croft has, in consequence of the making of an order under subsection (1) of section seventeen of this Act or under subsection (5) of section twenty-one thereof, become vacant and has remained unlet for a period of six months beginning with the date on which the croft so became vacant, the Secretary of State shall, if the landlord, at any time within three months after the expiry of the period aforesaid, gives notice to the Secretary of State requiring him so to do, direct that the croft shall cease to be a croft and shall purchase the buildings on the croft.

(8) Where a notice has been duly given under paragraph (b) of subsection (6) of this section or under the last foregoing subsection, the Secretary of State shall be deemed to be authorised to purchase the buildings compulsorily and to have served notice to treat in respect thereof on the date on which the notice aforesaid was given :

Provided that the consideration payable by the Secretary of State in respect of the purchase of the buildings shall be such sum as may be agreed by the Secretary of State and the landlord, or, failing agreement, as may be determined by the Land Court to be equal to the amount which an out-going tenant who had erected or paid for the erection of the buildings would have been entitled to receive by way of compensation for permanent improvements in respect of the buildings as at the date on which notice was given as aforesaid to the Secretary of State requiring him to purchase the buildings.

(9) Where a croft is vacant, the landlord may apply to the Secretary of State to direct that it shall cease to be a croft ; and if the Secretary of State directs under this subsection or under subsection (7) of this section that a croft shall cease to be a croft, the provisions of this Act shall cease to apply to the croft, without prejudice, however, to the subsequent exercise of any powers conferred by any enactment for the constitution of new crofts or the enlargement of existing crofts.

(10) Any person who, being the landlord of a croft, fails to comply with the requirements of subsection (1) or subsection (2) of this section shall be liable on summary conviction to a fine not exceeding ten pounds.



(11) For the purposes of this section a croft shall be taken to be vacant at the commencement of this Act notwithstanding that it is occupied, if it is occupied otherwise than by a crofter and the consent of the Secretary of State to such occupation has not been obtained.

(12) The provisions of subsections (1) and (10) of this section shall not apply to a croft which the Commission have in the exercise of any power conferred on them by this Act declared to be vacant.

17.—(1) If the Commission determine in relation to a croft— Absentee  
crofters.

(a) that the crofter is not ordinarily resident on, or within two miles of, the croft ; and

(b) that it is in the general interest of the crofting community in the district in which the croft is situate that the tenancy of the crofter should be terminated and the croft let to some other person or persons ;

then, subject to the provisions of this section, they shall have power to make an order terminating the tenancy of the crofter and requiring him to give up his occupation of the croft at a term of Whitsunday or Martinmas not earlier than three months after the making of such order.

(2) Before making an order under the foregoing subsection the Commission shall take into consideration all the circumstances of the case, including the extent, if any, to which the croft is being worked and, where the croft is being worked by a member of the crofter's family, the nature of the arrangements under which it is being so worked, and shall give to the crofter and to the landlord, not less than six months before the term at which the proposed order will take effect, notice that they propose to make such an order and shall afford to the crofter and the landlord an opportunity of making representations to them against the making of the proposed order.

Where the Commission make such an order, they shall, not less than three months before the term at which the order takes effect, give notice to the crofter and to the landlord of the making of the order.

(3) Where an order has been made under subsection (1) of this section and the crofter has failed to give up his occupation of the croft on or before the day on which the order takes effect, the sheriff on the application of the Commission shall, except on cause shown to the contrary, grant warrant for ejection of the crofter. The Commission may recover from the crofter the expenses incurred by them in any application under this subsection and in the execution of any warrant granted thereon.

(4) Where an order has been made under subsection (1) of this section in respect of a croft and the Commission are satisfied—

- (a) that the crofter or any of his predecessors in the tenancy has provided or paid for the whole or the greater part of the dwelling-house thereon and that the crofter is entitled on the termination of his tenancy to compensation therefor as for an improvement ; and
- (b) that the dwelling-house will not be required after the termination of the tenancy in connection with any future occupation of the croft,

the Commission shall give notice to that effect to the crofter and to the landlord ; and thereupon the crofter shall be entitled, if, not later than one month before the term at which the order takes effect, he gives notice in that behalf to the Commission and to the landlord, to obtain a conveyance in feu (under reservation of minerals) of the dwelling-house together with such suitable garden ground and such rights of access as the Commission may determine to be reasonable and on such terms as to feu duty and otherwise as may be agreed by the crofter and the landlord, or, failing agreement, as may be determined by the Commission to be reasonable.

(5) If the landlord does not within such period as the Commission may consider reasonable execute and deliver to the Commission at his own expense a conveyance for the purposes of the last foregoing subsection, or if he requests the Commission to prepare such a conveyance, the Commission shall themselves prepare the conveyance and shall submit it to the landlord for execution ; and if the landlord for any reason fails within one month after the conveyance is so submitted to him to execute it and to return it to the Commission, the Commission may themselves in place of the landlord execute the conveyance. Any conveyance executed under this subsection shall be recorded by the Commission on behalf of the crofter in the appropriate Register of Sasines, and a conveyance executed as aforesaid by the Commission shall, on being so recorded, have the like force and effect in all respects as if it had been executed by the landlord.

A landlord shall have power to execute a valid conveyance under this subsection notwithstanding that he may be under any such disability as is mentioned in section seven of the Lands Clauses Consolidation (Scotland) Act, 1845.

(6) For the purposes of the last foregoing subsection the Commission may require the landlord or any other person having them in his possession to deliver to the Commission such documents as they may consider necessary for the preparation of the conveyance ; and, if the landlord or such other person fails to

deliver such documents, the sheriff may on the application of the Commission make an order for the delivery of such documents to the Commission.

Where a person other than the landlord is infeft in the subjects to be conveyed, references in the last foregoing subsection and in this subsection to the landlord shall be construed as references to the landlord and such other person for their respective interests.

(7) Where a conveyance is executed and recorded under this section, any heritable security which immediately before the execution of such conveyance burdened the subjects conveyed shall, as from the date of recording, cease to burden the *dominium utile* of the subjects conveyed and shall burden only the superiority thereof; and, unless the creditors in right of any such security otherwise agree, the landlord shall pay to them according to their respective rights and preferences any sum paid to him in addition to feuduty as consideration under the next following subsection.

In this subsection the expression "heritable security" has the like meaning as in the Conveyancing (Scotland) Act, 1924, except that it includes a security constituted by *ex facie* absolute disposition.

(8) The consideration payable by the crofter in respect of the conveyance to him under this section of the dwelling-house and other pertinents shall be, in addition to any feuduty thereby exigible, such sum as may be agreed by the crofter and the landlord or, failing agreement, as may be determined by the Land Court to be the value to an incoming tenant as at the termination of the crofter's tenancy of any assistance or consideration given by the landlord or any of his predecessors in title in respect of the dwelling-house; and, where the dwelling-house and other pertinents are so conveyed to him, the crofter shall not be entitled to receive from the landlord on the termination of his tenancy any compensation for the dwelling-house as for an improvement.

(9) Subject to the provisions of the last foregoing subsection, a crofter shall, on the termination of his tenancy by an order made under subsection (1) of this section, be entitled to the like rights to, and subject to the like liabilities in respect of, compensation as if he had renounced his tenancy at the term at which the order takes effect.

(10) Where a crofter who has become entitled under subsection (4) of this section to obtain a conveyance of his dwelling-house is at the termination of his tenancy under any liability to the Secretary of State in respect of any loan, the amount outstanding in respect of such liability shall, if the Secretary of State on the application of the crofter so determines, be deemed as from the

recording of the conveyance to be a loan by the Secretary of State to him, and the provisions of the Third Schedule to this Act shall apply in relation to any such loan.

**Aged crofters.**

**18.—**(1) Where on the application of a crofter and after consultation with the landlord the Commission are satisfied—

- (a) that the crofter is unable through illness or old age or infirmity properly to work his croft ;
- (b) that he is willing to renounce the tenancy of his croft subject to the conditions that he shall retain the occupation of the dwelling-house on the croft and that the ownership thereof shall become vested in him ; and
- (c) that it is in the general interest of the crofting community in the district in which the croft is situate that he should be authorised to renounce the tenancy of his croft subject to the conditions aforesaid ;

the Commission may authorise him to renounce his tenancy accordingly. The Commission shall give notice to the landlord of any authorisation so granted.

(2) Where in pursuance of an authorisation under the foregoing subsection a crofter renounces his tenancy, he shall be entitled, if, not later than one month before the term at which the renunciation takes effect, he gives notice in that behalf to the Commission and to the landlord, to obtain a conveyance in feu (under reservation of minerals) of the dwelling-house with the like pertinents and on the like terms and conditions and in the like manner as if an order terminating his tenancy had been made under subsection (1) of the last foregoing section, and subsections (5) to (10) of that section shall, subject to any necessary modifications, apply accordingly.

(3) Where a conveyance in feu has been granted under this section the person to whom it is granted and the wife or husband of that person shall not, so long as either of them continues to occupy the subjects conveyed, be liable to pay by way of any rate levied by a county or town council in respect thereof any larger sum than would have been so payable if the subjects had continued to form part of the croft of which they formed part when the authorisation aforesaid was granted :

Provided that nothing in this subsection shall affect the liability of any person in respect of any domestic water rate leviable under the Water (Scotland) Act, 1949.

(4) Where a conveyance in feu has been granted under this section the person to whom it is granted and the wife or husband of that person shall, so long as either of them continues to occupy the subjects conveyed, continue to enjoy any right to cut and take peats for the use of those subjects which they enjoyed when the authorisation aforesaid was granted.

**19.**—(1) If the Commission, whether on representations made to them by crofters resident in the township or otherwise and after making such inquiries as they may think fit, are satisfied that any township is in such a state of disorganisation or decay that it ought to be reorganised, they may, after consultation with any landlord proposed to be affected thereby, prepare a draft of a scheme (in this Act referred to as a “reorganisation scheme”) for the reorganisation of the township. Reorganisation schemes.

(2) A reorganisation scheme shall provide for the re-allocation of the land in the township in such manner as is, in the opinion of the Commission, most conducive to the proper and efficient use thereof and to the general benefit of the township, so, however, that—

- (a) any crofter ordinarily resident in the township shall be entitled, if he so wishes, to continue to occupy a croft which includes the dwelling-house occupied by him as a crofter at the time at which the scheme comes into effect; and
- (b) no crofter ordinarily resident in the township who is able and willing to cultivate a croft shall be provided under the scheme with a croft of less value than the croft of which he is tenant at the time at which the scheme comes into effect;

and shall show in detail the effects of the scheme on each of the crofts constituting the township to which the scheme applies and on any common grazings attached thereto.

(3) A reorganisation scheme may, if the Commission think fit, make provision with respect to all or any of the following matters, that is to say—

- (a) the apportionment of all or of any part of any common grazing for the exclusive use of individual crofts;
- (b) the inclusion in the scheme of any land in the vicinity of the township which in the opinion of the Commission ought to be used for the enlargement of crofts in the township;
- (c) the admission into the township of new crofters and the allocation to them of shares in the common grazing;
- (d) the omission from any share in the re-allocation of the land in the township of any crofter not ordinarily resident therein;
- (e) any other matters incidental to or consequential on the provisions of the scheme;

and where, in the opinion of the Commission, the carrying-out of any works involving capital expenditure will be required for the purpose of giving proper effect to the scheme, the scheme shall specify such works.

(4) Where the Commission are satisfied as mentioned in subsection (1) of this section with respect to a township, they shall prepare a list showing the crofts in the township, the names of the persons who are respectively the tenants and the landlords of those crofts, and which of the persons entered as tenants are ordinarily resident in the township, and shall serve a copy of the list on each of such tenants and landlords and shall publish once at least in each of two successive weeks in one or more local newspapers circulating in the area in which the township is situate a notice—

- (a) stating that the list has been prepared and the general effect thereof ;
- (b) specifying a place in or near the township where a copy of the list may be seen at all reasonable hours ; and
- (c) specifying the period (not being less than twenty-one days) within which and the manner in which objections to the list may be made.

(5) If within the period specified under paragraph (c) of the last foregoing subsection an objection is duly made to the Commission by any person affected by the list, they shall afford to that person an opportunity of making representations to them, and may thereafter confirm the list, with or without modifications, and shall publish in the manner specified in the last foregoing subsection a notice stating that the list has been confirmed and specifying a place in or near the township where a copy of the list may be seen at all reasonable hours.

Subject to the next following subsection, the list as so confirmed shall, for the purposes of the proceedings to be taken under the following provisions of this section with respect to the scheme, be final and conclusive as to the matters contained in such list.

(6) Any person aggrieved by reason of his not being shown in the list as so confirmed as the tenant of a croft in the township or as being ordinarily resident in the township may, within one month after the first publication of the notice mentioned in the last foregoing subsection, appeal to the sheriff. The decision of the sheriff on the matter shall be final and conclusive, and the Commission shall make any modification in the list which may be necessary to give effect to the decision.

(7) The Commission shall submit to the Secretary of State the draft scheme prepared by them as aforesaid, together with such maps, plans, documents and other information as they may deem necessary, or as the Secretary of State may require, for the purpose of informing the Secretary of State of the general purport and effect of the scheme and in particular of the effect of the scheme on each of the crofts in the township to which it applies.

(8) The Secretary of State shall serve a copy of the draft scheme submitted to him as aforesaid on each of the landlords proposed to be affected thereby and on the owner and the occupier of any land proposed to be used for the enlargement of crofts and shall afford to any such landlord, owner or occupier an opportunity of making representations to him with respect to the scheme, and if—

- (a) the draft scheme contains provisions for the inclusion in the scheme of land in the vicinity of the township for the enlargement of crofts in the township, or for the carrying out of works involving capital expenditure ; and
- (b) objection to such provisions is made within one month after the service on him of a copy of the draft scheme by any such landlord, owner or occupier and is not withdrawn ;

shall cause a public local inquiry to be held, and shall take into consideration the objection and the report of the person who held the inquiry, and thereafter may approve the draft scheme with or without modifications. The provisions of subsections (2) to (9) of section three hundred and fifty-five of the Local Government (Scotland) Act, 1947, shall apply in relation to a local inquiry under this subsection as they apply in relation to inquiries under that section.

(9) If the Secretary of State approves the draft scheme he shall remit it to the Land Court to assess the sums which, if the scheme is put into effect, will become payable—

- (a) to each crofter by way of compensation for permanent improvements on the termination of the tenancy of his croft on the coming into effect of the scheme ;
- (b) by each person (whether or not he was the tenant of a croft in the township immediately before the coming into effect of the scheme) who becomes the tenant of a croft under the scheme in respect of the permanent improvements on the croft ; and
- (c) by way of rent in respect of each of the new crofts to be formed by the re-allocation proposed by the draft scheme.

Any assessment made under this subsection shall be provisional only and shall, after the scheme has been put into effect, be subject to adjustment by the Land Court on the application of any interested party.

(10) Where the Secretary of State has approved the draft scheme, the Commission shall serve on each of the persons appearing from the list confirmed under subsection (5) of this

section to be the landlord or the tenant of a croft in the township a copy of the draft scheme together with a notice—

- (a) specifying the sums assessed under the last foregoing subsection which will, subject to the provisions of that subsection, be payable to or by the crofter under paragraphs (a) and (b) of that subsection and by way of rent in respect of the croft proposed to be allocated to the crofter ; and
- (b) requiring each crofter ordinarily resident in the township within two months after the date of the service on him of the notice to intimate to the Commission whether he is in favour of the scheme or not.

(11) If within the period of two months aforesaid a majority of the crofters ordinarily resident in the township have intimated to the Commission that they are in favour of the scheme, the Commission shall report accordingly to the Secretary of State, and thereupon the Secretary of State may by order confirm the scheme.

(12) For the purposes of the last foregoing subsection any crofter ordinarily resident in the township on whom a copy of the draft scheme has been served shall, unless within two months after the date of such service he intimates to the Commission that he objects to the scheme, be deemed to have intimated that he is in favour of the scheme.

Provisions as to putting into effect of reorganisation schemes.

**20.**—(1) Where a reorganisation scheme confirmed by the Secretary of State provides for the carrying out of any works involving capital expenditure, the Secretary of State shall serve on every owner of land on which such works are to be carried out a copy of the scheme and of the order confirming it together with a notice requiring him within two months to enter into an undertaking that he will at his own expense carry out such works within such period as may be specified in the notice.

(2) If an owner on whom a notice has been served under the foregoing subsection fails within two months to enter into such an undertaking as aforesaid or, having entered into such an undertaking, fails to carry out within the period specified in the notice such works to the reasonable satisfaction of the Secretary of State, the Secretary of State shall be authorised to purchase compulsorily any land belonging to that owner to which the scheme applies.

(3) Where a reorganisation scheme confirmed by the Secretary of State provides for the inclusion in the scheme of land in the vicinity of the township for the enlargement of crofts in the township, the Secretary of State shall serve a copy of the scheme and of the order confirming it on the owner and the occupier of such land, and shall also serve on the owner of such



land a notice requiring him within two months to enter into an undertaking that he will within such period as may be specified in the notice let the land in accordance with the provisions of the scheme.

(4) Where a copy of the scheme and of the order confirming it and such a notice as aforesaid have been served under the last foregoing subsection, then—

- (a) where the occupier of such land is not the owner thereof, the interest of the occupier in the land shall terminate on the expiry of three months from the date on which a copy of the scheme and of the order confirming it were served on him, and he shall be entitled to receive from the Secretary of State the like compensation as if his interest in the land had been compulsorily acquired by the Secretary of State ; and
- (b) if the owner of such land fails within two months to enter into such an undertaking as aforesaid or, having entered into such an undertaking, fails within the period specified in the notice to let the land in accordance with the provisions of the scheme, the Secretary of State shall be deemed to be authorised to purchase the land compulsorily.

(5) Where a reorganisation scheme has been confirmed by the Secretary of State it shall be the duty of the Commission to put the scheme into effect, and the Commission may, subject to the provisions of this Act and to any directions in that behalf given to them by the Secretary of State, do all such things as may be required for that purpose.

(6) The Commission may put into effect the provisions of a reorganisation scheme on such date as they may appoint, and different dates may be appointed for different provisions.

(7) For the purpose of putting into effect the provisions of a reorganisation scheme with respect to the re-allocation of the land in the township, the Commission shall serve on the tenant and on the landlord of every croft to which the scheme applies a notice specifying the effect of the provisions of the scheme and the date on which the provisions of the scheme with respect to re-allocation are to take effect ; and where such notices have been served—

- (a) every crofter shall be deemed to have duly given notice terminating the tenancy of his croft as at the date specified in the notice ; and
- (b) on that date each person to whom a croft is allocated under the scheme shall become the tenant of the croft so allocated to him.

## (8) Where—

- (a) a crofter is by a reorganisation scheme omitted from any share in the re-allocation of land in the township ; and
- (b) the crofter or any of his predecessors in the tenancy has provided or paid for the whole or the greater part of the dwelling-house occupied by him and is entitled on the termination of his tenancy to compensation therefor as for an improvement ; and
- (c) the dwelling-house occupied by the crofter will not under the provisions of the scheme be required in connection with the future occupation of a croft in the township ;

the crofter shall be entitled, if, not later than one month before the date specified in the notice served on him under the last foregoing subsection as the date on which the provisions of the scheme with respect to re-allocation are to take effect, he gives notice in that behalf to the Commission and to the landlord, to obtain a conveyance in feu (under reservation of minerals) of the dwelling-house with the like pertinents and on the like terms and conditions and in the like manner as if an order terminating his tenancy had been made under subsection (1) of section seventeen of this Act, and subsections (5) to (10) of that section shall, subject to any necessary modifications, apply accordingly.

(9) Where any buildings situate on land subject to a reorganisation scheme will, on the putting into effect of the scheme, cease to be required in connection with the occupation of that land, the Commission shall give notice to that effect to the landlord, and thereupon, subject to the provisions of the last foregoing subsection, the provisions of subsections (6) and (8) of section sixteen of this Act shall apply in relation to such buildings as they apply in relation to the buildings mentioned in the said subsections.

(10) The owner of any land which is subject to any provision contained in a reorganisation scheme may within two months after the date on which notice is served under subsection (7) of this section with respect to the land give notice to the Secretary of State requiring him to purchase the land, and thereupon the Secretary of State shall be deemed to be authorised to purchase the land compulsorily and to have served notice to treat in respect thereof on the date on which notice was given as aforesaid by the owner.

Any purchase of land under this subsection shall be deemed to be completed immediately before the date on which the scheme is put into effect or, where different days are appointed for the putting into effect of different provisions, immediately before the first of such dates, and the Secretary of State shall

accordingly as the landlord of such land be liable to pay and entitled to receive any compensation for permanent improvements which may become payable on the putting into effect of the scheme.

21.—(1) It shall be the duty of every crofter to work his croft in accordance with the rules of good husbandry and to provide such fixed equipment on his croft as may be necessary to enable him to do so.

Duty of crofter to work croft in accordance with rules of good husbandry.

(2) The provisions of the Fourth Schedule to this Act shall have effect for the purpose of determining for the purposes of this section whether a crofter is fulfilling his duty to work his croft in accordance with the rules of good husbandry.

(3) Where the Commission are satisfied that a crofter is not fulfilling the duty imposed on him by subsection (1) of this section, they may, after affording to him an opportunity of making representations to them, serve on him a notice (in this section referred to as a "warning notice") to that effect. A warning notice shall specify the general grounds on which the Commission are satisfied as aforesaid; and so long as such notice continues in force the Commission may from time to time by notice served on the crofter give to him such directions as they are satisfied are required to secure that he fulfils the duty imposed on him by subsection (1) of this section.

(4) While a warning notice is in force the Commission shall within twelve months from the date on which it was served and thereafter at intervals of not more than twelve months while it is in force review the working of the croft, and if they are satisfied that it is no longer necessary that the warning notice should continue in force, they shall withdraw it and shall give notice to the crofter that they have done so, or if they are not so satisfied they shall give notice to the crofter that the warning notice is to continue in force:

Provided that the withdrawal of the warning notice shall not affect any direction given thereunder in so far as it is in force immediately before the withdrawal of the notice.

(5) Where a warning notice is and has for an immediately preceding period of not less than twelve months been in force in relation to a croft, and the Commission are satisfied that the working of the croft has not shown satisfactory improvement, they shall have power to make an order terminating the crofter's tenancy of the croft at the next following term of Whitsunday or Martinmas not earlier than six months after the date of such order.

(6) The Commission shall not make an order under the last foregoing subsection until, after affording to the crofter an opportunity of making representations to them, they have given to the

crofter notice of the proposal to make the order together with such particulars as appear to them requisite for informing the crofter of the general grounds on which they are satisfied as mentioned in the said subsection.

A crofter to whom notice of a proposal is given under this subsection may require that the proposal shall be referred to the Land Court, and the provisions of section seventy-one of the Agriculture (Scotland) Act, 1948, and of any regulations made thereunder shall apply to a reference under this section as they apply to a reference under that Act, with the substitution, however, for references to the Secretary of State of references to the Commission.

(7) Before making an order under subsection (5) of this section the Commission shall take into consideration the general circumstances of the crofter, including his employment, if any, in one or more of the occupations commonly followed as subsidiary or auxiliary to the cultivation of a croft, and the need of the crofter for the croft as a place of residence.

(8) The Commission shall forthwith give notice of the making of an order under this section to the crofter, and thereupon the like consequences shall ensue as if the crofter had duly given notice terminating his tenancy of the croft as at the term specified in the order; and if the crofter fails to give up his occupation of the croft in accordance with an order made under this section subsection (3) of section seventeen of this Act shall apply as it applies where a crofter fails to give up the occupation of a croft in accordance with an order made under subsection (1) of that section.

(9) The Commission shall send to the landlord of a croft a copy of any notice given by them under this section to the tenant of the croft.

Power of  
Secretary of  
State to give  
financial  
assistance to  
crofters.

**22.—**(1) For the purpose of aiding and developing agricultural production on crofts the Secretary of State may, after consultation with the Commission and with the approval of the Treasury, make schemes for providing grants and loans to crofters, and any such schemes may provide for the administration of such grants and loans through the agency of the Commission.

Any scheme under this subsection shall be embodied in a statutory instrument which shall be laid before Parliament after being made.

(2) The Secretary of State may, in accordance with arrangements made by him with the approval of the Treasury, provide assistance by way of grants or loans or by the supply for payment in cash of building or other materials towards the erection or improvement or rebuilding of dwelling-houses and other buildings for crofters.

(3) The Secretary of State may, in accordance with arrangements made by him with the approval of the Treasury, provide assistance by way of loan to the incoming tenant of a croft to enable him to pay to the outgoing tenant of the croft or to the landlord thereof the compensation for permanent improvements due to such outgoing tenant.

(4) Regulations shall be made by the Secretary of State—

- (a) for securing that, where a grant has been made towards the erection, improvement or rebuilding of a dwelling-house or other building, conditions with respect to the occupation and maintenance thereof shall apply thereto for such period from the completion of the work (not being longer than forty years) as may be specified in the regulations ;
- (b) for securing that in the event of a breach of any of the conditions the Secretary of State may recover from such person as may be specified in the regulations a sum bearing the same proportion to the grant made as the period between the date of the breach of the condition and the expiration of the period specified under paragraph (a) of this subsection bears to the last-mentioned period, together with interest on such sum from the date on which the grant was made at such rate as may be specified in the regulations ;
- (c) for providing that the conditions applied by the regulations to a dwelling-house or building shall cease to apply on payment to the Secretary of State by such person as may be specified in the regulations of such amount as may be so specified ;
- (d) for applying, subject to any necessary modifications, in relation to a dwelling-house or building towards the erection, improvement or rebuilding of which a grant has been made under this section, the provisions of subsections (1) to (3) of section one hundred and three of the Housing (Scotland) Act, 1950 (which restrict the compensation payable in respect of improvements, and prohibit increases in the rents of houses in respect of which assistance has been granted under section one hundred of that Act) ;
- (e) for securing that, where any conditions apply to a dwelling-house or building by virtue of the regulations, the Secretary of State shall cause to be recorded in the appropriate Register of Sasines a notice in a form prescribed by the regulations specifying the conditions which by virtue of the regulations apply to the dwelling-house or building ; and that, where such conditions cease so to apply, the Secretary of State shall cause to be so recorded a notice in a form prescribed

as aforesaid stating that the conditions no longer apply to the dwelling-house or building;

(f) for such other incidental and supplementary matters as appear to the Secretary of State to be requisite or expedient for the purposes aforesaid.

(5) No assistance by way of grant shall be given under subsection (2) of this section towards the erection, improvement or rebuilding of any dwelling-house or other building if assistance out of public moneys by way of grant or subsidy has been given under any other enactment towards such erection, improvement or rebuilding.

(6) For the purposes of subsection (2) of this section the occupier of a holding constituted under the Congested Districts (Scotland) Act, 1897, on land acquired by the Congested Districts (Scotland) Commissioners, who is also the owner of the holding, shall be deemed to be a crofter.

(7) A person shall not be disqualified for receiving assistance under subsection (2) of this section by reason only that after he has applied for and the Secretary of State has undertaken to provide such assistance he has become the owner of the croft in respect of which the application was made.

(8) Subsection (8) of section one hundred and subsection (6) of section one hundred and eleven of the Housing (Scotland) Act, 1950, and subsection (5) of section three of the Housing (Scotland) Act, 1952 (which subsections prohibit the giving of assistance under the said sections in respect of the provision or improvement of a house if assistance has been given in respect thereof under any of the enactments respectively mentioned in the said subsections), shall have effect as if any reference therein to section seventy-seven of the Agriculture (Scotland) Act, 1948, included a reference to subsection (2) of this section.

Supplementary provisions as to loans.

23.—(1) Where assistance is given under subsection (2) or subsection (3) of the last foregoing section by way of loan, the following provisions of this section shall have effect.

(2) The Secretary of State shall give notice to the landlord of the giving of any such assistance as aforesaid.

(3) The agreement for the loan shall be recorded in the Crofters Holdings Book and as recorded shall have the effect of transferring to the Secretary of State all rights of the crofter and his statutory successors to compensation for permanent improvements up to the amount of any outstanding liability to the Secretary of State.

(4) Any amount due by virtue of subsection (3) of this section to the Secretary of State by the landlord may, if the Secretary of

State on the application of the landlord so determines, be deemed to be a loan by the Secretary of State to the landlord, and the provisions of the Third Schedule to this Act shall apply in relation thereto.

(5) Where the outgoing tenant of a croft is under any liability to the Secretary of State in respect of a loan made to him, the Secretary of State and the incoming tenant may agree that the latter shall assume such liability, and if they so agree the amount thereof shall be deemed to be a loan made to the incoming tenant under subsection (3) of the last foregoing section, and this section shall have effect accordingly.

(6) The provisions of the Third Schedule to this Act shall apply in relation to any loan made by virtue of subsection (6) or subsection (7) of the last foregoing section.

#### *Common Grazings*

24.—(1) The crofters who share in a common grazing may from time to time, at a public meeting called in accordance with the next following subsection, appoint a grazings committee of such number as the meeting shall decide.

Appointment,  
etc., of grazings  
committee or  
grazings  
constable.

(2) Notice of a meeting for the appointment of a grazings committee may be given by any two crofters interested in the common grazing and shall be given by notice published in each of two successive weeks in one or more newspapers circulating in the district in which the township is situate or by notice posted for two successive weeks on or near the door of every place of worship and every public school in that district.

Any dispute arising as to the sufficiency of any notice given under this subsection shall be determined by the Commission.

(3) If the crofters who share in a common grazing fail at any time to appoint a grazings committee, the Commission may, after making such inquiry, if any, as they may deem necessary, appoint a grazings committee, or may appoint a person to be grazings constable; and a committee or constable so appointed shall have the like powers and duties as a grazings committee appointed under subsection (1) of this section.

(4) The term of office of the members of a grazings committee appointed under this section shall be three years, and at the expiry of that period a new grazings committee shall be appointed as aforesaid. A retiring member of a committee shall be eligible for re-election.

(5) A majority of the members of a grazings committee shall be a quorum; and any vacancy occurring in the membership of a grazings committee by reason of the death or resignation of a member shall be filled by nomination of the remaining members.

O

(6) A grazings committee appointed under subsection (1) of this section, or in the case of a grazings committee appointed under subsection (3) thereof the Commission, shall appoint some person, whether a member of the committee or not, to be the clerk of the committee.

(7) The term of office of a grazings constable appointed by the Commission under subsection (3) of this section shall be such as may be specified in the instrument by which he is appointed, and he shall receive such annual remuneration as the Commission may determine; and such remuneration shall be defrayed by an assessment levied in such manner as the Commission may deem reasonable on the crofters who share in the common grazing.

(8) If the Commission are satisfied, after making such inquiry, if any, as they may deem necessary, that any or all of the members or the clerk of a grazings committee (however appointed under this section) are not properly carrying out the duties imposed on them under this Act, the Commission may remove from office any or all such members or such clerk and may appoint or provide for the appointment of other persons (whether crofters or not) in their or his place.

Powers and  
duties of  
grazings  
committees.

**25.—**(1) It shall be the duty of a grazings committee—

- (a) to maintain the common grazings and the fixed equipment required in connection therewith;
- (b) to carry out works for the improvement of such grazings and equipment;
- (c) to make and administer, with a view to their due observance, regulations (in this Act referred to as “common grazings regulations”) with respect to the management and use of the common grazings:

Provided that the committee shall not, in the performance of the duty imposed on them by paragraph (b) of this subsection, carry out any works otherwise than with the consent of a majority of the crofters ordinarily resident in the township and with the approval of the Commission.

(2) A person appointed by the Commission shall have power to summon and to attend any meeting of a grazings committee for the purpose of advising them and otherwise assisting them in the performance of their duties.

Common  
grazings  
regulations.

**26.—**(1) Every grazings committee shall, as soon as may be after the commencement of this Act, and in any event within six months after being required by the Commission so to do, make and submit to the Commission new common grazings regulations.



(2) Without prejudice to the generality of the power conferred on a grazings committee by paragraph (c) of subsection (1) of the last foregoing section, common grazings regulations shall make provision with respect to the following matters:—

- (a) the recovery by the grazings committee from the crofters sharing in the common grazings of all expenses incurred by the committee in maintaining the common grazings and in maintaining or replacing any fixed equipment required in connection therewith;
- (b) the recovery by the grazings committee from the crofters consenting to the carrying out of works for the improvement of the common grazings or the fixed equipment required in connection therewith of the expenses incurred by the grazings committee in carrying out such works;
- (c) the number and the kind of stock which each crofter is entitled to put on the common grazings;
- (d) the alteration of individual soumings where works for the improvement of the common grazings or the fixed equipment required in connection therewith have been carried out and all the crofters have not contributed to the expenses incurred in carrying out such works;
- (e) where appropriate, the cutting of peats and the collection of seaweed;
- (f) subject to the provisions of this Act, the summoning of meetings of the grazings committee and the procedure and conduct of business at such meetings.

(3) Common grazings regulations made by a grazings committee shall be of no effect unless confirmed by the Commission. The Commission may confirm with or without modification or refuse to confirm any common grazings regulations submitted to them for confirmation, and may fix the date on which the regulations are to come into operation; and if no date is so fixed, the regulations shall come into operation at the expiration of one month from the date of their confirmation.

(4) If a grazings committee fail within the time limited by subsection (1) of this section to make and submit to the Commission common grazings regulations or to make and submit to the Commission common grazings regulations which in the opinion of the Commission are sufficient and satisfactory, the Commission may themselves make such common grazings regulations, which shall have the like force and effect as if they had been made by the grazings committee and confirmed by the Commission.

(5) A grazings committee may from time to time, and, if so required by the Commission, shall within the time limited by such requirement, make further regulations amending the common

grazings regulations for the time being in force, and the provisions of the last two foregoing subsections shall apply to any such amending regulations subject to any necessary modifications.

(6) Before confirming, making or amending regulations in accordance with the foregoing provisions of this section, the Commission shall consult the landlord of the common grazings to which the regulations relate; and the Commission shall send a copy of any regulations so confirmed, made or amended to the landlord and to the grazings committee.

(7) Common grazings regulations for the time being in force under this section shall have effect notwithstanding anything contrary thereto or inconsistent therewith contained in any lease or other agreement, whether entered into before or after the coming into force of such regulations.

Miscellaneous provisions as to common grazings, as to lands held runrig, and as to use by crofters of peat bogs, etc.

27.—(1) Any person who contravenes or fails to comply with any common grazings regulations for the time being in force under the last foregoing section of this Act shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding forty shillings, and in the case of a continuing offence to a further fine not exceeding five shillings for each day on which the offence is continued after the grazings committee or the Commission have served notice on him warning him of the offence.

(2) Where it is prescribed by the common grazings regulations applicable to the common grazings of a township that the right of a crofter to share in such grazings shall be conditional on his making his croft available during the winter season for the accommodation of any stock belonging to other persons sharing in such grazings, any crofter may apply to the grazings committee for their consent to the exclusion of such stock from his croft or from part thereof, and if he is dissatisfied with the decision of the committee on such application he may appeal therefrom to the Commission.

Any consent given under this subsection by a grazings committee or, on appeal, by the Commission may be given subject to such conditions, if any, as the committee or the Commission, as the case may be, may think proper.

(3) The Commission may, on the application of any crofters interested, after consultation with the grazings committee, apportion a common grazing shared by two or more townships into separate parts for the exclusive use of the several townships.

(4) The Commission may, on the application of any crofter interested, after consultation with the grazings committee, apportion a part of a common grazing for the exclusive use of the crofter so applying.

(5) Notwithstanding anything in the Ground Game Act, 1880, it shall be lawful for the crofters interested in a common grazing or in a part of a common grazing apportioned under subsection (3) of this section—

- (a) to appoint not more than two of their number ; and
- (b) to authorise in writing one person bona fide employed by them for reward,

to kill and take ground game on the common grazing or the part thereof, as the case may be ; and for the purposes of the said Act of 1880 any person appointed as aforesaid shall be deemed to be the occupier of the common grazing or the part thereof, but shall not have the right to authorise any other person to kill and take ground game, and any person authorised as aforesaid shall be deemed to have been authorised by the occupier of the common grazing or the part thereof to kill and take ground game with firearms or otherwise.

(6) Any person who, not being a crofter, shares or is entitled to share in a common grazing along with crofters shall for the purposes of the provisions of this Act relating to common grazings be deemed to be a crofter.

(7) The Commission may, on the application of any landlord or crofter interested, apportion lands held runrig among the holders thereof in such manner as appears to the Commission in the circumstances of the case to be just and expedient.

(8) The Commission may draw up a scheme regulating the use by crofters on the same estate of peat bogs, or of seaweed for the reasonable purposes of their crofts, or of heather or grass used for thatching purposes, and the charge for the use of all or any of these may be included in the rents fixed for the crofts.

### *Cottars*

28.—(1) When a cottar if not paying rent is removed from his dwelling and any land or buildings occupied by him in connection therewith, or if paying rent renounces his tenancy or is removed, he shall be entitled to compensation for any permanent improvement if—

Provisions  
as to cottars.

- (a) the improvement is suitable to the subject ; and
- (b) the improvement was executed or paid for by the cottar or any of his predecessors in the same family ; and
- (c) either the improvement was executed otherwise than in pursuance of a specific agreement in writing under which the cottar was bound to execute the improvement, or, if the improvement was executed in pursuance of such an agreement, the cottar has not received, by way of reduction of rent or otherwise, fair consideration for the improvement.

(2) The amount of the compensation payable under the foregoing subsection shall, failing agreement, be fixed by the Land Court, and the provisions of subsections (3), (4) and (5) of section fourteen of this Act (which relates to compensation to crofters for improvements) shall apply in relation to cottars as it applies in relation to crofters.

(3) The Secretary of State shall have the like powers to provide assistance by way of loan, grant and the supply of building or other materials for the erection, improvement or rebuilding of dwelling-houses and other buildings for cottars as he has to provide assistance for the erection, improvement or rebuilding of dwelling-houses and other buildings for crofters, and subsections (2), (4), (5) and (7) of section twenty-two of this Act shall apply accordingly.

(4) In this section—

“cottar” means the occupier of a dwelling-house situate in the crofting counties with or without land who pays no rent, or the tenant from year to year of a dwelling-house situate as aforesaid who resides therein and who pays therefor an annual rent not exceeding six pounds in money, whether with or without garden ground but without arable or pasture land;

“predecessors in the same family” means in relation to a cottar the wife or husband of the cottar and any person to whom the cottar or the wife or husband of the cottar might, failing nearer heirs, have succeeded in case of intestacy.

#### *Miscellaneous and General Provisions*

Service of notices.

29.—(1) Any notice for the purposes of this Act shall be in writing, and any notice or other document required or authorised by or under this Act to be given to or served on any person shall be duly given or served if it is delivered to him or left at his proper address or sent to him by post.

(2) Where any notice or other document is to be given to or served on a person as being the person having any interest in land and it is not practicable after reasonable inquiry to ascertain his name or address, the notice or document may be given or served by addressing it to him by the description of the person having that interest in the land (naming it) and delivering the notice or document to some responsible person on the land or by affixing it, or a copy of it, to some conspicuous object on the land.

Provisions as to entry and inspection.

30.—(1) Any person authorised by the Secretary of State or the Commission in that behalf shall have power at all reasonable times to enter on and inspect any land for the purpose of determining whether, and if so in what manner, any of the powers

conferred on the Secretary of State or the Commission by this Act are to be exercised in relation to the land, or whether, and if so in what manner, any direction given under any such power has been complied with.

(2) Any person authorised as aforesaid who proposes to exercise any power of entry or inspection conferred by this Act shall if so required produce some duly authenticated document showing his authority to exercise the power.

(3) Admission to any land shall not be demanded as of right in the exercise of any such power as aforesaid unless in the case of land being used for residential purposes seven days, or in the case of any other land twenty-four hours, notice of the intended entry has been given to the occupier of the land.

(4) Any person who obstructs any person authorised by the Secretary of State or the Commission exercising any such power as aforesaid shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five pounds in the case of a first offence or twenty pounds in the case of a second or any subsequent offence.

31.—(1) The Secretary of State shall have the like powers to provide assistance by way of loan, grant and the supply of building or other materials for the erection, improvement or rebuilding of buildings other than dwelling-houses for owners of holdings to which this section applies as he has to provide assistance for the erection, improvement or rebuilding of such buildings for crofters; and subsections (2), (4) and (5) of section twenty-two of this Act shall apply accordingly.

Building grants and loans to owner-occupiers of like economic status as crofters.

(2) This section applies to any holding which—

- (a) is situate in the crofting counties; and
- (b) is either a holding of which the area does not exceed fifty acres or a holding of which the annual value does not exceed fifty pounds; and
- (c) is owned by a person who in the opinion of the Secretary of State is of substantially the same economic status as a crofter; and
- (d) is occupied by the owner thereof.

(3) The provisions of the Third Schedule to this Act shall apply in relation to any loan made to the owner of a holding under this section.

32.—(1) Where by virtue of any provision of this Act the Secretary of State is deemed to be authorised to purchase land compulsorily, then in relation to any such compulsory purchase the Lands Clauses Acts and other enactments mentioned in Part I of the Second Schedule to the Acquisition of Land (Authorisation

Provisions as to compulsory purchase of land and as to management of land.

Procedure) (Scotland) Act, 1947, shall be incorporated in accordance with the provisions of the said Part I as if the Secretary of State had been authorised under section one of that Act to purchase the land compulsorily; and the Acquisition of Land (Assessment of Compensation) Act, 1919, shall have effect in relation to any such compulsory purchase subject to the provisions of Part II of that Schedule, of the proviso to subsection (8) of section sixteen of this Act and of the next following subsection.

(2) The power conferred by subsection (2) of section five of the Acquisition of Land (Assessment of Compensation) Act, 1919, to withdraw a notice to treat shall not be exercisable in the case of a notice to treat which is deemed to have been served by virtue of subsection (8) of section sixteen of this Act or of subsection (10) of section twenty thereof.

(3) The Secretary of State may manage, farm, sell, let or otherwise deal with or dispose of land acquired by him under this Act in such manner as appears to him expedient for the purpose for which it was acquired.

Provisions as  
to representa-  
tions.

33.—(1) Any enactment in this Act providing, in relation to the taking of any action by the Secretary of State, for his taking the action after affording to a person an opportunity of making representations to the Secretary of State shall be construed as a provision that the Secretary of State shall comply with the following requirements.

(2) The Secretary of State shall give notice to the said person specifying the matter under consideration and informing him of the effect of the next following subsection.

(3) A person to whom notice is given as aforesaid may within the time specified in the notice make representations to the Secretary of State in writing, and, whether or not representations are made to the Secretary of State in writing, may within the time so specified require that an opportunity be afforded to him of being heard by a person appointed by the Secretary of State for the purpose; and, if he so requires, such an opportunity shall be afforded to him and, on the same occasion, to any other person to whom under the enactment referred to in subsection (1) of this section the Secretary of State is required to afford such an opportunity, and the Secretary of State shall not take action in relation to the matter until he has considered any representations made as aforesaid.

(4) Where any enactment in this Act provides in relation to the taking of any action by the Commission for their taking the action after affording to a person an opportunity of making representations to them, the provisions of this section shall have effect in relation thereto with the substitution for references to the Secretary of State of references to the Commission.

**34.—**(1) The provisions of the Landholders Acts with regard to the Land Court shall, with any necessary modifications, apply for the determination of any matter which they are required by or under this Act to determine, in like manner as those provisions apply for the determination by the Land Court of matters referred to them under those Acts. Determination of disputes, etc.

(2) The Commission may, whether on the application of any person having an interest or otherwise, and shall, if so directed by the sheriff, state a case for the opinion of the sheriff on any question of law arising in the course of the determination of any matter which under this Act they are required to determine or in connection with the exercise by them of any function conferred on them by this Act; and the decision of the sheriff thereon shall be final and conclusive.

**35.—**(1) The expenses of the Commission shall be defrayed by the Secretary of State. Financial provisions.

(2) All expenses incurred by the Secretary of State under the provisions of this Act shall be defrayed out of moneys provided by Parliament.

(3) All sums received by the Secretary of State under the provisions of this Act shall be paid into the Exchequer.

**36.** Any regulations made by the Secretary of State under this Act shall be embodied in a statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament. Regulations.

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

“ the Act of 1886 ” means the Crofters Holdings (Scotland) Act, 1886 ;

“ the Act of 1911 ” means the Small Landholders (Scotland) Act, 1911 ;

“ croft ” and “ crofter ” have the meanings assigned to them respectively by section three of this Act ;

“ the Crofters Holdings Book ” has the meaning assigned to it by section thirty-nine of this Act ;

“ crofting counties ” means the counties of Argyll, Caithness, Inverness, Orkney, Ross and Cromarty, Sutherland and Zetland ;

“ fixed equipment ” has the like meaning as in the Agricultural Holdings (Scotland) Act, 1949 ;

“ functions ” includes powers and duties ;

- “ Land Court ” means the Scottish Land Court ;
- “ the Landholders Acts ” means the Small Landholders (Scotland) Acts, 1886 to 1931 ;
- “ landlord ” means any person for the time being entitled to receive the rents and profits, or to take possession, of a croft ;
- “ permanent improvement ” means any of the improvements specified in the Fifth Schedule to this Act ;
- “ prescribed ” means prescribed by regulations made by the Secretary of State ;
- “ predecessors in the tenancy ” means in relation to a crofter the persons who before him have been tenants of the croft since it was last vacant ;
- “ statutory successor ” means any person who under this Act has succeeded or may succeed to a croft whether as heir-at-law, legatee or assignee of his immediate predecessor being a crofter in occupation of the croft ;
- “ Whitsunday ” and “ Martinmas ” mean respectively the twenty-eighth day of May and the twenty-eighth day of November.

(2) For the purposes of this Act a crofter shall be deemed to be ordinarily resident in a township if he is ordinarily resident within two miles of a croft which is comprised in the township and of which he is tenant.

(3) References in this Act to any enactment shall, unless the context otherwise requires, be construed as references to that enactment as amended by or under any other enactment, including this Act.

Application of Act and modification of enactments in relation to the crofting counties.

**38.**—(1) This Act shall apply to land an interest in which belongs to Her Majesty in right of the Crown and land an interest in which belongs to a government department or is held in trust for Her Majesty for the purposes of a government department ; but in its application to any land an interest in which belongs or is held as aforesaid this Act shall have effect subject to such modifications as may be prescribed.

(2) Subject to the provisions of the two next following subsections, references in any enactment (other than this Act) or in any instrument to a landholder or statutory small tenant and to a holding within the meaning of the Landholders Acts and to the Landholders Acts shall, unless the context otherwise requires, be construed in the application of that enactment to the crofting counties respectively as references to a crofter and to a croft within the meaning of this Act, and as including a reference to this Act.



(3) The enactments specified in Part I of the Sixth Schedule to this Act shall cease to apply to the crofting counties to the extent specified in the second column of the said Part I.

(4) The enactments specified in Part II of the Sixth Schedule to this Act shall in their application to the crofting counties have effect subject to the modifications specified in the second column of the said Part II.

39.—(1) The tenancy of a crofter under this Act shall, in the case of every person who at the commencement of this Act became a crofter, be deemed, so far as is consistent with the provisions of this Act, to be a continuance of his tenancy as a landholder or a statutory small tenant, and all contracts and other instruments shall be read and construed accordingly. Transitional provisions and savings.

(2) The book (heretofore called the "Landholders Holdings Book") kept in pursuance of section twenty-seven of the Act of 1886, shall in the crofting counties be called the "Crofters Holdings Book".

(3) Where the rent payable for a croft which was immediately before the commencement of this Act a holding to which the provisions of the Landholders Acts relating to statutory small tenants applied was last fixed by the Land Court before the commencement of this Act, it may, notwithstanding anything in the proviso to subsection (3) of section five of this Act, be altered by the Land Court at any time after the commencement of this Act.

(4) Notwithstanding anything in this Act, the right of any person to succeed to the tenancy of a holding, whether by virtue of a bequest made by the tenant thereof or by virtue of the right to the tenancy having devolved upon the heir-at-law of the tenant, shall, if the tenant died before the commencement of this Act, be determined as if this Act had not passed.

(5) Save as expressly provided in this Act, nothing in this Act shall affect any order, rule, regulation, record, application, reference, appointment, loan, agreement, finding or award made, approval, consent or direction given, decree or instrument granted, proceeding taken, notice served or given, condition imposed, rent or amount of compensation fixed, or thing done in the crofting counties or in relation to land therein, under any enactment relating to landholders, statutory small tenants or cottars which by virtue of this Act has ceased to apply to the crofting counties or to any land therein, but any such order, rule, regulation, record, application, reference, appointment, loan, agreement, finding, award, approval, consent, direction, decree, instrument, proceeding, notice, condition, rent or amount of compensation or thing which is in force at the commencement of this Act shall continue in force and, so far as it could have

been made, given, granted, taken, served, imposed, fixed or done under the corresponding provision of this Act, shall have effect as if it had been made, given, granted, taken, served, imposed, fixed or done under that corresponding provision.

Citation and commencement.

**40.**—(1) This Act may be cited as the Crofters (Scotland) Act, 1955.

(2) This Act shall come into operation on such date as Her Majesty may by Order in Council appoint; and an Order under this subsection may appoint different dates in relation to different provisions of this Act.

## SCHEDULES

### FIRST SCHEDULE

Section 1.

#### PROVISIONS AS TO THE CROFTERS COMMISSION

##### *Constitution of the Commission*

1. The Commission shall be a body corporate and shall have a common seal.

2. Every member of the Commission shall hold and vacate office in accordance with the terms of the instrument under which he is appointed; but notwithstanding anything in such an instrument any member of the Commission may resign his office by a notice given under his hand to the Secretary of State, and a member of the Commission who ceases to hold office shall be eligible for re-appointment to the Commission.

3. A person shall be disqualified for membership of the Commission if and so long as he is a member of the Commons House of Parliament.

4. The Secretary of State shall pay to the members of the Commission such remuneration and such allowances as he may, with the approval of the Treasury, determine.

##### *Meetings and Proceedings of the Commission*

5. The quorum of the Commission shall be three or such larger number as the Commission may from time to time determine.

6. The proceedings of the Commission shall not be invalidated by any vacancy in the membership of the Commission or by any defect in the appointment of any member thereof.

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

8. The Commission shall refer to one or more of their number for report and recommendation such matters as may be determined by the Commission and shall delegate to one or more of their number such of the functions conferred on the Commission by this Act, to such extent and subject to such conditions or restrictions, as may with the approval of the Secretary of State be so determined.

9. In any application or other proceeding coming before them the Commission may order that the evidence shall be taken on oath.

1st SCH.  
—cont.

10. Subject to the foregoing provisions of this Schedule, the Commission shall have power to regulate their own procedure.

*Office, Officers and Servants*

11. The Commission shall have an office in the crofting counties at which communications and notices will at all times be received.

12. The Secretary of State may provide the services of such officers and servants as the Commission may require.

*Instruments executed or issued by the Commission*

13. The application of the seal of the Commission to any document shall be attested by at least one member of the Commission and by the person for the time being acting as secretary to the Commission.

14. Every document purporting to be an instrument issued by the Commission and to be sealed and attested as aforesaid or to be duly signed on behalf of the Commission shall be received in evidence and shall be deemed to be such an instrument without further proof unless the contrary is shown.

SECOND SCHEDULE

Section 3.

THE STATUTORY CONDITIONS

1. The crofter shall pay his rent at the terms at which it is due and payable.

2. The crofter shall not, except in accordance with the provisions of this Act, execute any deed purporting to assign his tenancy.

3. The crofter shall, by himself or his family, with or without hired labour, cultivate his croft, without prejudice to the right hereby conferred on him to make such use thereof for subsidiary or auxiliary occupations as, in case of dispute, the Commission may find to be reasonable and not inconsistent with the cultivation of the croft.

4. The crofter shall not, to the prejudice of the interest of the landlord, persistently injure the croft by the dilapidation of buildings or, after notice in writing has been given by the landlord to the crofter not to commit, or to desist from, the particular injury specified in the notice, by the deterioration of the soil.

5. The crofter shall not, without the consent in writing of the landlord, sublet his croft or any part thereof:

Provided that nothing in this paragraph shall be construed as debarring a crofter from subletting his dwelling-house to holiday visitors.

6. The crofter shall not, except in accordance with the provisions of this Act, subdivide his croft.

7. The crofter shall not, without the consent in writing of the landlord, erect or suffer to be erected on the croft any dwelling-house otherwise than in substitution for a dwelling-house which at the commencement of this Act was already on the croft:

Provided that, if at the commencement of this Act there was no dwelling-house on the croft, the crofter may erect one dwelling-house thereon.

2ND SCH.  
—cont.

8. The crofter shall not persistently violate any written condition signed by him for the protection of the interest of the landlord or of neighbouring crofters which is legally applicable to the croft and which the Land Court shall find to be reasonable.

9. The crofter shall not do any act whereby he becomes notour bankrupt within the meaning of the Bankruptcy (Scotland) Act, 1913, and shall not execute a trust deed for creditors.

10. The crofter shall permit the landlord or any person authorised by the landlord in that behalf to enter upon the croft for the purpose of exercising (subject always to the payment of such compensation as in case of dispute the Land Court may find to be reasonable in respect of any damage done or occasioned thereby) any of the following rights, and shall not obstruct the landlord or any person authorised as aforesaid in the exercise of any of such rights, that is to say—

- (a) mining or taking minerals, or digging or searching for minerals;
- (b) quarrying or taking stone, marble, gravel, sand, clay, slate or other workable mineral;
- (c) using for any estate purpose any springs of water rising on the croft and not required for the use thereof;
- (d) cutting or taking timber or peats, excepting timber and other trees planted by the crofter or any of his predecessors in the tenancy, or which may be necessary for ornament or shelter, and excepting also such peats as may be required for the use of the croft;
- (e) opening or making roads, fences, drains and water-courses;
- (f) passing and re-passing to and from the shore of the sea or any loch with or without vehicles for the purpose of exercising any right of property or other right belonging to the landlord;
- (g) viewing or examining at reasonable times the state of the croft and all buildings or improvements thereon;
- (h) hunting, shooting, fishing or taking game or fish, wild birds or vermin;

but nothing in this paragraph shall be held to preclude the crofter from recovering any compensation for damage by game which is recoverable under section fifteen of the Agricultural Holdings (Scotland) Act, 1949, by a tenant, and that section shall apply accordingly, with the substitution, however, of the Land Court for arbitration.

11. The crofter shall not on his croft, without the consent in writing of the landlord, open any house for the sale of intoxicating liquors.

12. In this Schedule—

the expression “cultivate” includes the use of a croft for horticulture or for any purpose of husbandry, including the keeping or breeding of livestock, poultry or bees, and the growing of fruit, vegetables and the like;

the expression “game” means deer, hares, rabbits, pheasants, partridges, grouse, blackgame, capercailzie, ptarmigan, woodcock, snipe, wild duck, widgeon and teal.

## THIRD SCHEDULE

Sections 17, 18,  
20, 23, 31.

## PROVISIONS AS TO SECURITY, ETC., OF LOANS

1. The loan shall be secured by a bond which shall be a charge on the land in favour of the Secretary of State.
2. The loan shall either be repaid by half-yearly instalments of principal with such interest and within such period (not exceeding such period as may be fixed by the Treasury) from the date of the loan, or at such date thereafter not exceeding eighteen months as may be agreed on, or shall be repaid with such interest and within such period by a terminable annuity payable by half-yearly instalments.
3. The amount for the time being unpaid may at any time be discharged, and any such terminable annuity may at any time be redeemed in accordance with tables fixed by the Secretary of State.
4. A certificate by the Secretary of State that the whole of the loan has been repaid or that such terminable annuity has been redeemed shall, without any other instrument, operate as a discharge of the loan or extinction of the terminable annuity, as the case may be, and the recording of such certificate in the appropriate Register of Sasines shall be equivalent to the recording of a discharge of the said bond.
5. The Secretary of State shall cause to be prepared and duly recorded all deeds, writs and instruments necessary for securing the payment of any loan over land made by him, and shall include in the loan the cost so incurred, or to be incurred, in accordance with scales set forth in tables fixed by the Secretary of State.

## FOURTH SCHEDULE

Section 21.

## RULES OF GOOD HUSBANDRY

1. For the purposes of section twenty-one of this Act, a crofter shall be deemed to fulfil his duty to work his croft in accordance with the rules of good husbandry in so far as the extent to which and the manner in which the croft is being worked (as respects both the kind of operations carried out and the way in which they are carried out) are such that, having regard to the character and situation of the croft and other relevant circumstances, the crofter is maintaining a reasonable standard of efficient production as respects both the kind of produce and the quality and quantity thereof, while keeping the croft in a condition to enable such a standard to be maintained in the future.
2. In determining whether the manner in which the croft is being worked is such as aforesaid regard shall be had, but without prejudice to the generality of the provisions of the last foregoing paragraph, to the following—
  - (a) the maintenance of permanent grassland properly mown or grazed and in a good state of cultivation and fertility;
  - (b) the handling or cropping of the arable land, including the treatment of temporary grass, so as to maintain it clean and in a good state of cultivation and fertility;

**4TH SCH.  
—cont.**

- (c) where the system of farming practised requires the keeping of livestock, the proper stocking of the croft;
- (d) the maintenance of an efficient standard of management of livestock;
- (e) as regards hill sheep farming in particular—
  - (i) the maintenance of a sheep stock of a suitable breed and type in regular ages (so far as is reasonably possible) and the keeping and management thereof in accordance with the recognised practices of hill sheep farming;
  - (ii) the use of lug, horn or other stock marks for the purpose of determining ownership of sheep stock;
  - (iii) the regular selection and retention of the best female stock for breeding;
  - (iv) the regular selection and use of tups possessing the qualities most suitable and desirable for the flock;
  - (v) the extent to which regular muirburn is made;
- (f) the extent to which the necessary steps are being taken—
  - (i) to secure and maintain the freedom of crops and livestock from disease and from infestation by insects and other pests;
  - (ii) to exercise systematic control of vermin and of bracken, whins, broom and injurious weeds;
  - (iii) to protect and preserve crops harvested or in course of being harvested;
  - (iv) to carry out necessary work of maintenance and repair of the fixed and other equipment.

**Section 37.****FIFTH SCHEDULE****PERMANENT IMPROVEMENTS**

1. Dwelling-house.
2. Farm offices.
3. Subsoil and other drains.
4. Walls and fences.
5. Deep trenching.
6. Clearing the ground.
7. Planting trees.
8. Making piers or landing stages.
9. Roads practicable for vehicles from the croft to the public road or the sea shore.
10. All other improvements which, in the judgment of the Land Court, will add to the value of the croft to an incoming tenant.

## SIXTH SCHEDULE

Section 38.

## APPLICATION OF ENACTMENTS TO CROFTING COUNTIES

## PART I

*Enactments ceasing to have effect*

| Enactment                                                                 | Provisions ceasing to have effect in crofting counties                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|---------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The Crofters Holdings (Scotland) Act, 1886. (49 & 50 Vict. c. 29.)        | Sections one to ten.<br>In section twelve the words from "It shall be competent for the Crofters Commission to draw up a scheme" to the end of the section.<br>Section sixteen.<br>Sections nineteen and twenty.<br>Sections thirty-one and thirty-four.<br>The Schedule.<br>The whole Act.                                                                                                                                                                                                                                                                                                  |
| The Crofters Holdings (Scotland) Act, 1887. (50 & 51 Vict. c. 24.)        | The whole Act.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| The Crofters Common Grazings Regulation Act, 1891. (54 & 55 Vict. c. 41.) | The whole Act.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| The Crofters Common Grazings Regulation Act, 1908. (8 Edw. 7. c. 50.)     | Sections one and two.<br>Sections eight to ten.<br>Sections twelve to fifteen.<br>Sections seventeen to twenty-three.<br>Section twenty-four except paragraph (b) of subsection (5).<br>Section twenty-seven.<br>Sections thirty-two and thirty-three.<br>Sections twelve and thirteen.<br>Section fourteen except in relation to paragraph (b) of the subsection substituted for subsection (5) of section twenty-four of the Act of 1911.<br>Section seventeen and the Second Schedule in so far as they amend subsection (6) of section seven and section twenty-four of the Act of 1911. |
| The Small Landholders (Scotland) Act, 1911. (1 & 2 Geo. 5. c. 49.)        | Section one.<br>Sections three, five and six.<br>Sections eight to fourteen.<br>Section eighteen.<br>Sections twenty-two to twenty-five.<br>Part II and the Fifth and Sixth Schedules in so far as they apply to any land being or forming part of a croft within the meaning of this Act.<br>Sections sixty-six and seventy-seven.                                                                                                                                                                                                                                                          |
| The Land Settlement (Scotland) Act, 1919. (9 & 10 Geo. 5. c. 97.)         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| The Small Landholders (Scotland) Act, 1931. (21 & 22 Geo. 5. c. 44.)      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| The Agriculture (Scotland) Act, 1948. (11 & 12 Geo. 6. c. 45.)            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

6TH SCH.  
—cont.PART II  
*Modification of Enactments*

| Enactment                                                             | Modification of enactments in application to crofting counties                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|-----------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The Small Landholders (Scotland) Act, 1911.<br>(1 & 2 Geo. 5. c. 49.) | In section seven, subsections (1) and (6) and in paragraph ( <i>f</i> ) of subsection (11) the words from “ and it may be a term ” to the end of the paragraph shall be omitted.<br>In section twenty-six, subsection (1), in subsection (2) the words from “ and shall not ” to the end of the subsection, and subsections (3), (6), (8), (9) and (10) shall be omitted; and in subsection (7) for the words from the beginning of the subsection to “ nothing in that section ” there shall be substituted the words “ Nothing in section thirty-three of the Act of 1886 ”.<br>In section thirty-one, in subsection (1) the definitions of “ Act of 1887 ”, “ Act of 1891 ”, “ Act of 1908 ” and “ statutory successor ”, and subsection (4) shall be omitted. |

*Table of Statutes referred to in this Act*

| Short Title                                                               | Session and Chapter        |
|---------------------------------------------------------------------------|----------------------------|
| Lands Clauses Consolidation (Scotland) Act, 1845                          | 8 & 9 Vict. c. 19.         |
| Ground Game Act, 1880 ... ..                                              | 43 & 44 Vict. c. 47.       |
| Crofters Holdings (Scotland) Act, 1886 ... ..                             | 49 & 50 Vict. c. 29.       |
| Congested Districts (Scotland) Act, 1897 ... ..                           | 60 & 61 Vict. c. 53.       |
| Small Landholders (Scotland) Act, 1911... ..                              | 1 & 2 Geo. 5. c. 49.       |
| Bankruptcy (Scotland) Act, 1913 ... ..                                    | 3 & 4 Geo. 5. c. 20.       |
| Acquisition of Land (Assessment of Compensation) Act, 1919 ... ..         | 9 & 10 Geo. 5. c. 57.      |
| Conveyancing (Scotland) Act, 1924 ... ..                                  | 14 & 15 Geo. 5. c. 27.     |
| Law Reform (Miscellaneous Provisions) (Scotland) Act, 1940 ... ..         | 3 & 4 Geo. 6. c. 42.       |
| Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947 ... .. | 10 & 11 Geo. 6. c. 42.     |
| Local Government (Scotland) Act, 1947... ..                               | 10 & 11 Geo. 6. c. 43.     |
| Agriculture (Scotland) Act, 1948 ... ..                                   | 11 & 12 Geo. 6. c. 45.     |
| Agricultural Holdings (Scotland) Act, 1949 ... ..                         | 12, 13 & 14 Geo. 6. c. 75. |
| Housing (Scotland) Act, 1950 ... ..                                       | 14 Geo. 6. c. 34.          |



**CHAPTER 22**

An Act to enable effect to be given to arrangements as to pensions and connected matters made or to be made between Her Majesty's Government in the United Kingdom and the Government of India or the Government of Pakistan, and to amend the law in relation to certain pensions and other benefits arising out of service in or connected with India, Pakistan or Burma. [6th May, 1955]

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

1.—(1) The arrangements between Her Majesty's Government in the United Kingdom and the Government of India embodied in the letters set out in the First Schedule to this Act are hereby approved, and—

Arrangements as to transfer of pension liabilities to Government of United Kingdom.

- (a) anything which, under the said arrangements, falls to be done in relation to the pensions and benefits affected thereby by Her Majesty's Government in the United Kingdom shall be done by the Secretary of State;
- (b) any moneys required by the Secretary of State for discharging his functions under the preceding paragraph, whether for providing the pensions or benefits or for his administrative expenses, and any moneys otherwise payable by virtue of the said arrangements by Her Majesty's Government in the United Kingdom (other than moneys which, by virtue of the National Loans Act, 1939, fall to be paid out of the Consolidated Fund) shall be paid out of moneys provided by Parliament:

Provided that—

- (i) the Secretary of State shall not vary the tables applicable to commutation of any of the said pensions except with the consent of the Treasury;
- (ii) sections six and eight of the Pensions Commutation Act, 1871 (which relate to the provision by the National Debt Commissioners of moneys required for the commutation of pensions and to repayments to those Commissioners by means of terminable annuities paid out of moneys provided by Parliament) shall apply to commutations of the said pensions as they apply to commutations of pensions under that Act, so, however, that the person

to whom any such certificate as is mentioned in the said section eight is to be notified shall be the Secretary of State.

In the proviso to this subsection references to commutation of pensions include references to commutation of portions of pensions.

(2) If any arrangements other than those embodied in the said letters are come to between Her Majesty's Government in the United Kingdom and the Government of India or the Government of Pakistan relating to the transfer to Her Majesty's Government in the United Kingdom of liability for or the administration of pensions and other benefits and to any related matters, the Secretary of State, with the consent of the Treasury, may by order direct that subsection (1) of this section shall apply in relation to those arrangements as it applies in relation to the arrangements embodied in the said letters.

Power of Secretary of State to make good Indian or Burman income tax deducted from pensions.

2. The Secretary of State may make good out of moneys provided by Parliament any income tax for which relief has not otherwise been given which is deducted under the law of India or the law of Burma from any pension which, under section two hundred and seventy-two of the Government of India Act, 1935, or section one hundred and twenty-six of the Government of Burma Act, 1935, was to be exempt from taxation imposed by or under the laws there referred to.

Extension to certain persons and pensions of provisions in Superannuation Act, 1949, and Pensions (Increase) Acts.

3.—(1) Rules made by the Treasury may—

- (a) direct that the Pensions (Increase) Acts, 1944 and 1947, and the Pensions (Increase) Act, 1954, shall, with such adaptations and modifications as may be specified in the rules, apply in relation to any of the pensions specified in Part I of the Second Schedule to this Act as if that pension were a pension specified in Part I of the First Schedule to the Pensions (Increase) Act, 1944, and, if the rules so provide, were also such a pension as is specified in section two of that Act;
- (b) direct that the Pensions (Increase) Act, 1952, shall, with such adaptations and modifications as may be specified in the rules, apply in relation to any of the pensions specified in Parts I and II of the Second Schedule to this Act as if it were one of the pensions specified in Part I of the First Schedule to that Act;
- (c) apply, with such adaptations and modifications as may be specified in the rules, any of the provisions of the Superannuation Act, 1949, to all or any of the persons specified in Part III of the Second Schedule to this Act,

or, in the case of a provision which already has an application to such a person, give to that provision an extended application in relation to him,

and, on the coming into force of rules made under this subsection, section five of the Superannuation (Miscellaneous Provisions) Act, 1948, paragraph (c) of subsection (1) of section three of the Pensions (Increase) Act, 1952, and, in subsection (2) of the said section three, the words from "and subsection (2) of section five" to the end of the section shall cease to have effect.

(2) Any increase of any pension, and any increase in the administrative expenses of any Minister, attributable to the provisions of this section, shall be paid out of moneys provided by Parliament.

4. The power to make orders conferred by subsection (2) of section one of this Act and the power to make rules conferred by subsection (1) of section three of this Act shall be exercisable by statutory instrument, and any such statutory instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament. Orders and rules.

5. This Act may be cited as the Pensions (India, Pakistan and Burma) Act, 1955. Short title.

## SCHEDULES

### FIRST SCHEDULE

Section 1.

LETTERS EMBODYING ARRANGEMENTS BETWEEN HER MAJESTY'S GOVERNMENT IN THE UNITED KINGDOM AND THE GOVERNMENT OF INDIA

*Letter from the High Commissioner of the United Kingdom  
in India to the Finance Minister of India*

Office of the High Commissioner  
for the United Kingdom,  
6, Albuquerque Road,  
New Delhi.

7th March, 1955.

TC. 935/5

My dear Minister,

I write with reference to the arrangements agreed upon between the Government of India and the Government of the United Kingdom in July, 1948, under which the Government of India purchased annuities from the Government of the United Kingdom for the purpose of meeting the sterling pensionary obligations of the Dominion of India and the Provinces thereof. These arrangements are set out in the letters dated 9th July, 1948, exchanged between the then Minister of Finance, the Hon. Shri R. K. Shanmukham Chetty, for India, and the then Chancellor of the Exchequer, the Rt. Hon. Sir Stafford Cripps, for the United Kingdom.

1ST SCH.  
—cont.

2. These arrangements have again been considered and it is the understanding of the Government of the United Kingdom that the Government of India agree that there shall be transferred to the Government of the United Kingdom on 1st April, 1955, the control, administration and payment of pensions and other liabilities to or in respect of persons who have served the Crown, as set forth in the annexure hereto, payable out of the consolidated fund of India or of the consolidated fund of the States in the Union of India. The Government of India will remain responsible for any instalments of pensions in respect of periods prior to 1st April, 1955, which remain unpaid on the date of transfer.

3. In consideration of the acceptance of this transfer by the Government of the United Kingdom and of the payments mentioned in the next two paragraphs, the Government of India agree that payment of the annuities referred to in paragraph 1 shall cease after payment of the instalments due on 1st March, 1955.

4. For their part the Government of the United Kingdom undertake that the balance of the principal portion of the debt in respect of annuities referred to in paragraph 1 remaining outstanding on 31st March, 1955, after deduction of the capital value at that date of the estimated future cost of the pensions and other liabilities transferred to the United Kingdom in accordance with paragraph 2 of this letter shall be repaid to the Government of India in the manner set out in paragraph 6.

5. In addition, they undertake to pay a capital amount to be agreed upon in respect of Indian Income Tax which the Government of India would have received had the responsibility for the payment of pensions and other liabilities not been transferred to the Government of the United Kingdom.

6. Payment of the sums referred to in paragraphs 4 and 5 will be made in ten equal instalments on the 1st April of each year, commencing in 1955. The first of such instalments to be paid on 1st April, 1955. Interest on the balance outstanding from time to time at the rate of one per cent. per annum will be payable on the same date as the payment of instalments.

7. (i) The Government of the United Kingdom also undertake:

- (a) that they will pay the pensions and provide for other liabilities so transferred for such time as the pensioners are entitled to them under rules in force on the date preceding that of transfer;
- (b) that they will not so amend the rules applicable to the pensioners as to reduce their entitlements;
- (c) that they will indemnify the Government of India and the Government of a State in the Union of India against costs and expenses incurred by them in defending a suit or other legal proceeding for payment of pension and other liabilities brought against the Government of India or the Government of such State by a pensioner, responsibility for whose pension and other benefits has been transferred to the Government of the United Kingdom, and

- (d) that if the Court holds that such a suit or other proceeding is maintainable, they will indemnify the Government of India or the Government of such State, as the case may be, against any amount awarded by the Court in respect of the pension and other liabilities and the plaintiff's costs in the matter.
- (ii) The agreement set out in the preceding sub-paragraphs (c) and (d) is subject to the following conditions—
- (a) if a pensioner brings such a suit or other proceeding the Government of India or of the State will defend the suit or proceeding and contend *inter alia* that it is not maintainable;
  - (b) if the parliament of the Union of India alter the law of India as in force on 1st April, 1955, so as to make such a suit or other proceeding legally maintainable the agreement of the Government of the United Kingdom to indemnify the Government of India or Government of a State will cease to apply. If the legislature of a State in the Union of India alter the law of that State as in force on that date so as to make such a suit or other proceeding legally maintainable the agreement of the Government of the United Kingdom to indemnify the Government of India or Government of a State will cease to apply in respect of a suit or proceeding in that State.

8. The arrangements set forth in this letter are subject to the passing of such legislation as may be necessary.

9. I shall be grateful to have your confirmation that this is also the understanding of the Government of India.

Yours sincerely,

P. A. CLUTTERBUCK.

THE HON. C. D. DESHMUKH,  
*Minister of Finance,*  
Government of India.

*Annexure*

1. (i) All pensions and connected benefits to and in respect of persons who served the Crown which are payable out of the consolidated fund of India or of the consolidated fund of the States and which are currently in issue on the 31st March, 1955, by the High Commissioner for India in the United Kingdom or by the Commonwealth Relations Office or by Paymasters accounting to either.

(ii) For the purpose of this and paragraphs 2 and 5, pensions currently in issue shall be deemed to include pensions temporarily suspended.

2. Pensions and connected benefits to or in respect of Europeans who served the Crown payable out of the consolidated fund of India or of the consolidated fund of the States and which are currently in issue on the 31st March, 1955, by Paymasters outside India, Pakistan, Aden and Burma accounting to India.

3. Contingent pensions of European officers who before the 15th August, 1947, belonged to the Indian Army, the Indian Medical

1ST SCH.  
—cont.

Service, the Royal Indian Navy or the Secretary of State's Civil Services, who are serving under the Government of India or the Government of a State in the Union of India on 31st March, 1955, or who on that date are on leave preparatory to retirement.

4. Contingent pensions of widows and other dependants of any of the persons responsibility for whose own pensions and connected benefits or contingent pensions is transferred to the United Kingdom Government under paragraphs 1, 2 and 3 above.

*Note:* For the purpose of paragraphs 1, 2 and 4, pensions include benefits payable under the rules of Family Pensions Funds (other than those to which paragraph 5 relates) in so far as they are met by Government.

5. (i) All pensions currently in issue on 31st March, 1955, and payable under the Superior Services (India) Family Pension Fund (Untransferred) Rules, 1939, or the rules of the Indian Civil Service Family Pension (Untransferred) Fund, the Indian Military Services Family Pension (Untransferred) Fund or the Indian Military Widows' and Orphans' (Untransferred) Fund.

(ii) All contingent pensions and other benefits payable under the rules mentioned in the preceding sub-paragraph.

(iii) Government contribution under the Indian Civil Service Family Pension Fund (Transferred) Rules.

6. Contingent pensions in respect of members of the staff of the High Commission for India or the India Audit Office who were serving as such on the 31st March, 1937, and who are serving as such in a pensionable capacity on 31st March, 1955.

7. The Government of India's liability in respect of contingent pensions of members of the United Kingdom Civil Service who had been lent to the Government of India or to a former Provincial Government before 15th August, 1947.

8. The Government of India's liability for a portion of the pensions or contingent pensions of persons in the following categories:—

(i) persons who before their appointment to the United Kingdom Civil Service had served on the staff of the Secretary of State for India in Council, of the High Commissioner for India before 1st April, 1937, of the Auditor of Indian Home Accounts, or of the Auditor of the Accounts of the Secretary of State for India in Council.

(ii) Officers of the Indian Army or Royal Indian Navy who have been transferred to the British Service and officers of the Royal Engineers, Royal Artillery, Royal Corps of Signals, the continuous Indian Service Cadre of the Royal Army Veterinary Corps and the Army Educational Corps.

*Note 1:* For all purposes of paragraphs 3, 4, 5, 6 and 7 contingent pensions shall be determined with reference to the rules applicable to the person concerned on 31st March, 1955.

*Note 2:* For the purpose of paragraphs 7 and 8 the Government of India's liability means the liability of the Union of India or of a State in that Union under the financial arrangements in force on 31st March, 1955.

*Letter from the Finance Minister of India to the  
High Commissioner of the United Kingdom in India*

1ST SCH.  
—cont.

New Delhi,  
7th March, 1955.

My dear High Commissioner,

I have to acknowledge receipt of your letter of to-day's date reading as follows:—

*[Here follows the text of the High Commissioner's letter  
as given above.]*

2. I have pleasure in confirming that the understanding of your Government as set out in that letter is accepted by my Government.

Yours sincerely,

C. D. DESHMUKH.

HIS EXCELLENCY SIR ALEXANDER CLUTTERBUCK, G.C.M.G., M.C.,  
*High Commissioner of the United Kingdom in India,*  
6, Albuquerque Road,  
New Delhi.

## SECOND SCHEDULE

Section 3.

### PART I

**PENSIONS TO WHICH PENSIONS (INCREASE) ACTS, 1944 AND 1947,  
PENSIONS (INCREASE) ACT, 1952, AND PENSIONS (INCREASE) ACT, 1954,  
MAY BE APPLIED**

1. A pension payable in respect of service to the Crown which is or, but for any arrangements to which subsection (1) of section one of this Act applies, would be, payable out of the revenues of India or Pakistan to any person resident in the United Kingdom, or, where the pension is expressed in sterling, in any other place outside India and Pakistan, being service, whether by the recipient of the pension or some other person, either—

(a) in a civil capacity; or

(b) by virtue of which the recipient of the pension has pension rights in relation to any of the following funds, that is to say, the Bengal Military Fund and Orphans Society, the Bombay Military Fund, the Madras Military Fund, the Madras Medical Fund or the Indian Navy Fund,

and being in either case service which ended before the fifteenth day of August, nineteen hundred and forty-seven, or the termination of which was attributable to the passing of the Indian Independence Act, 1947.

In this paragraph, "pension rights" includes, in relation to any person, all forms of right to, or eligibility for, the present or future payment of a pension to or in respect of that person.

2. A pension payable to or in respect of a member of the staff of the High Commissioner for India or the High Commissioner for

2ND SCH.  
—cont.

Pakistan who at some time before he was transferred to the staff of the High Commissioner had been an officer or servant on the permanent establishment of the Secretary of State in Council of India.

3. A pension payable to or in respect of a person who was appointed to the staff of the Auditor of the Accounts of the Secretary of State for India in Council before the first day of April, nineteen hundred and thirty-seven.

4. A pension payable to or in respect of a European officer of the Royal Indian Marine.

## PART II

### PENSIONS TO WHICH PENSIONS (INCREASE) ACT, 1952, MAY BE APPLIED

1. A pension payable to or in respect of any person resident in the United Kingdom or, where the pension is expressed in sterling, in any other place outside Burma, India and Pakistan, being a pension payable from the revenues of Burma in respect of service in a civil capacity in Burma which ended before the fourth day of January, nineteen hundred and forty-eight or the termination of which was attributable to the passing of the Burma Independence Act, 1947.

2. A pension payable to or in respect of a European warrant officer of the Royal Indian Marine.

## PART III

### PERSONS TO WHOM PROVISIONS OF THE SUPERANNUATION ACT, 1949, MAY BE APPLIED OR GIVEN AN EXTENDED APPLICATION

1. A member or former member of the staff of the High Commissioner for India or the High Commissioner for Pakistan who, before being transferred to the staff of the High Commissioner, had at some time been an officer or servant on the permanent establishment of the Secretary of State in Council of India.

2. A member or former member of the staff of the Auditor of the Accounts of the Secretary of State for India in Council or the Auditor of Indian Home Accounts who was appointed to the staff of the Auditor before the fifteenth day of August, nineteen hundred and forty-seven.

3. A former officer or servant on the permanent establishment of the Secretary of State in Council of India who became a civil servant (within the meaning of the Superannuation Act, 1949) before the first day of April, nineteen hundred and thirty-seven.

4. A person who is or has been a civil servant (within the meaning of the Superannuation Act, 1949), and who, at some time before the fifteenth day of August, nineteen hundred and forty-seven, served under the Government of India or the Government of any Province in India.



*Table of Statutes referred to in this Act*

| Short Title                                                   | Session and Chapter                    |
|---------------------------------------------------------------|----------------------------------------|
| Pensions Commutation Act, 1871 ... ..                         | 34 & 35 Vict. c. 36.                   |
| Government of India Act, 1935 ... ..                          | 26 Geo. 5. & 1 Edw. 8.<br>c. 2.        |
| National Loans Act, 1939... ..                                | 2 & 3 Geo. 6. c. 117.                  |
| Pensions (Increase) Act, 1944 ... ..                          | 7 & 8 Geo. 6. c. 21.                   |
| Indian Independence Act, 1947 ... ..                          | 10 & 11 Geo. 6. c. 30.                 |
| Burma Independence Act, 1947 ... ..                           | 11 & 12 Geo. 6. c. 3.                  |
| Superannuation (Miscellaneous Provisions) Act,<br>1948 ... .. | 11 & 12 Geo. 6. c. 33.                 |
| Superannuation Act, 1949... ..                                | 12, 13 & 14 Geo. 6.<br>c. 44.          |
| Pensions (Increase) Act, 1952 ... ..                          | 15 & 16 Geo. 6. &<br>1 Eliz. 2. c. 45. |
| Pensions (Increase) Act, 1954 ... ..                          | 2 & 3 Eliz. 2. c. 25.                  |

## CHAPTER 23

An Act to empower the Trustees of the British Museum to lend for the purposes of research objects comprised in the collections of the Natural History Departments of the British Museum and to destroy objects so comprised which have become useless by reason of infestation or physical deterioration. [6th May, 1955]

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

1. The Trustees of the British Museum (hereafter in this Act referred to as "the Trustees") shall, in their discretion, have power to lend for the purposes of research, whether within or outside the United Kingdom, any objects vested in them which are comprised in the collections of the Natural History Departments of the British Museum; and any objects lent under the power conferred by this section shall be lent on such terms as the Trustees think fit, and subject to such conditions as they may impose for the purpose of securing the safe custody and due return thereof:

Power of Trustees to lend for research purposes objects comprised in the natural history collections.

Provided that, where an object comprised in the said collections has become vested in the Trustees by virtue of a gift or bequest, the power conferred by this section shall not be exercisable as respects that object in a manner inconsistent with any condition attached to the gift or bequest.

Power of Trustees to destroy infected, &c., objects comprised in the natural history collections.

Short title.

2. The Trustees may destroy any object vested in them which is comprised in the said collections, being an object which appears to them to be infested by destructive organisms or, by reason of physical deterioration, to have become useless for the purposes of the British Museum.

3. This Act may be cited as the British Museum Act, 1955.

## CHAPTER 24

### *Requisitioned Houses and Housing (Amendment) Act, 1955*

#### ARRANGEMENT OF SECTIONS

##### PART I

##### REQUISITIONED HOUSES

##### *Transfer of rights to local authorities*

##### Section

1. Transfer of rights to local authorities for limited period.
2. Application of certain enactments.

##### *Provisions for release*

3. Release of dwellings falling vacant.
4. Acceptance of licensee as statutory tenant by owner.
5. Application to court for release for owner's occupation.
6. Power of Minister to require local authority to release or purchase in case of hardship.
7. Release for improvement works.
8. Release of parts of requisitioned houses.

##### *Exchequer contributions*

9. Re-imbusement of compensation for dilapidations.
10. Contributions to expenses of management, etc.
11. Contributions to cost of lease or purchase.

##### *Supplemental*

12. Housing revenue account.
13. Notices.
14. Repeal of power to requisition for housing purposes.

##### PART II

##### AMENDMENTS OF HOUSING ACTS

15. Repayment of sums issued out of Consolidated Fund under Housing (Temporary Accommodation) Act, 1944.
16. Amendment of s. 94 of Housing (Scotland) Act, 1950.
17. Application of s. 150 of Housing (Scotland) Act, 1950, to educational buildings.

## PART III

## GENERAL

## Section

18. Interpretation.
19. Financial provisions.
20. Short title, commencement and extent.

An Act to repeal the power to requisition land for housing purposes under Defence Regulations and transfer to local authorities in England and Wales the right to possession of requisitioned houses for a limited period; to make provision for the earlier release of such houses in certain cases and for matters connected therewith; to authorise payments out of moneys provided by Parliament in respect of expenditure of local authorities to whom the said right is transferred; to regulate the payment of sums issued out of the consolidated fund under subsection (1) of section eight of the Housing (Temporary Accommodation) Act, 1944; to amend sections ninety-four and one hundred and fifty of the Housing (Scotland) Act, 1950; and for purposes connected with the matters aforesaid.  
[6th May, 1955]

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

## PART I

## REQUISITIONED HOUSES

*Transfer of rights to local authorities*

1.—(1) On the commencement of this Act, any power of the Minister to retain possession of requisitioned houses shall be terminated, and the right to possession of every such house shall vest in the appropriate local authority.

Transfer of  
rights to  
local  
authorities  
for limited  
period.

(2) Subject to the provisions of this Part of this Act, the local authority in whom the right to possession of a requisitioned house is vested under this section may retain possession of the house until the thirty-first day of March, nineteen hundred and sixty, and no longer.

(3) Any agreement made in respect of a requisitioned house on behalf of the Minister, and in force immediately before the commencement of this Act, shall continue in force and have effect thereafter as if made on behalf of the local authority.

PART I  
—cont.

(4) The local authority who are for the time being in possession of a requisitioned house by virtue of this section may, subject to any such agreement as aforesaid, but notwithstanding any covenant or easement otherwise affecting the house, use the house in such manner as appears to them to be expedient for housing purposes and may for those purposes do anything which a person having an interest in the house would be entitled to do by virtue of that interest.

Application of  
certain  
enactments.

2.—(1) Subject to the provisions of this section, the enactments relating to requisitioned land shall apply in relation to requisitioned houses, while in the possession of a local authority by virtue of this Act, as they apply in relation to land of which a Minister is in possession by virtue of an exercise of emergency powers; and for the purposes of any such enactment as applied by this section any reference to the authority by whom possession of the land was taken shall be construed as a reference to the local authority.

(2) For the purposes of Part VIII of the Requisitioned Land and War Works Act, 1945 (which regulates the compensation on a compulsory purchase of requisitioned land) in its application to requisitioned houses, any period for which possession is retained by the local authority under this Act shall be deemed to be included within the war period as defined for the purposes of the said Part VIII.

(3) Subject to the provisions of this Part of this Act with respect to payments by the Minister to local authorities, all compensation which would be paid out of moneys provided by Parliament under the Compensation (Defence) Act, 1939, in respect of a requisitioned house if possession thereof were retained in the exercise of emergency powers shall be paid by the local authority and not out of moneys so provided, and accordingly the reference to the Crown in subsection (2) of section two of that Act (which regulates the payment of rental compensation) shall be construed as a reference to the local authority.

(4) Notwithstanding anything in section two of the said Act of 1939, any terminal compensation in respect of damage which may have occurred in the case of a requisitioned house at any time before the commencement of this Act shall accrue due at the end of the period for which possession of the house is retained under this Act, and shall be paid by the local authority in accordance with the provisions of the last foregoing subsection.

(5) Nothing in this section shall be construed as applying or continuing, in relation to requisitioned houses—

(a) any regulations made under the Emergency Powers (Defence) Act, 1939; or

- (b) subsection (2) of section twenty-eight of the Requisitioned Land and War Works Act, 1945 (which enables possession of land held by virtue of emergency powers to be retained after the termination of any other right thereto),

or as affecting the operation of any enactment regulating the procedure for claiming compensation under the Compensation (Defence) Act, 1939, or for settling disputes in respect of such compensation.

*Provisions for release of requisitioned houses*

3.—(1) If at the date of the commencement of this Act no licence is in force for the occupation of a requisitioned dwelling, or if a licence for the occupation of any such dwelling is terminated at any subsequent date, then, subject to the provisions of this section and of section eight of this Act, the right of the local authority to retain possession of the dwelling under this Act shall be terminated at the expiration of the period of four weeks beginning with that date.

Release of  
dwellings  
falling vacant.

(2) If the Minister is satisfied, upon application made by the local authority before the expiration of the said period, that it is expedient so to do, he may authorise the local authority to retain possession of the dwelling notwithstanding anything in subsection (1) of this section; and where such an application is made as aforesaid, the right of the local authority to retain possession of the dwelling shall not in any event be terminated under this section until the date on which the Minister's decision is notified to them.

(3) Without prejudice to the last foregoing subsection, the right of a local authority to retain possession of a dwelling shall not be terminated under this section if within the said period a fresh licence for the occupation of the dwelling is granted by the authority—

- (a) to the former licensee of the dwelling, in order to provide for a variation in the terms of the former licence;
- (b) in the case of his death, to a statutory successor of his; or
- (c) in pursuance of arrangements for an exchange of accommodation between the licensee and another person being the licensee or tenant of any other dwelling in the possession of or belonging to the local authority.

(4) Where a licence for the occupation of a requisitioned dwelling is terminated by the local authority or has been so terminated before the commencement of this Act—

- (a) for the purpose of carrying out repairs to the dwelling;
- or

PART I  
—cont.

(b) on the ground of non-payment of rent by the licensee,

then (notwithstanding the foregoing provisions of this section) the right of the local authority to retain possession of the dwelling shall not be terminated under this section if within a period of three months beginning with the date of the termination of the licence a fresh licence for the occupation of the dwelling is granted by the authority to the last previous licensee of the dwelling; and in such cases there shall be substituted a period of three months for the period mentioned in subsection (1).

(5) After the date mentioned in subsection (1) of this section, the local authority shall not permit any person to enter into occupation of the dwelling (except in pursuance of such a licence as is mentioned in subsection (3) or (4) of this section) unless and until an authorisation is given by the Minister under subsection (2) of this section.

(6) Before applying for such an authorisation, the local authority shall give notice in writing of their intention to do so to the owner of the dwelling; and, if within two weeks beginning with the day on which that notice is given, the owner commences proceedings under section five of this Act for possession of the dwelling, no authorisation shall be given by the Minister in pursuance of the application of the local authority until the conclusion of the said proceedings.

(7) If in the case of any local authority it appears to the Minister that it is necessary so to do in order to ensure that alternative accommodation is reserved for any persons who may be displaced by virtue of section five or section six of this Act, he may give directions requiring that authority to retain possession of any requisitioned dwellings, notwithstanding anything in subsection (1) of this section, until such time as he may authorise their release; and in any such case, subsection (5) of this section shall not apply in relation to the occupation of the dwellings in pursuance of licences granted to persons displaced as aforesaid.

Acceptance  
of licensee  
as statutory  
tenant by  
owner.

4.—(1) Any local authority may, subject to such directions, if any, as may be given by the Minister, and shall, if so required by the Minister, serve on the owners of such requisitioned dwellings as may be decided by the authority or specified by the Minister, as the case may be (being dwellings of which possession is retained under this Act) a notice inviting those owners to accord to the licensees of the dwellings the status of statutory tenants in consideration of payments to be made by the local authority in accordance with this section by way of compensation for loss of the right to vacant possession on the release of the dwellings.

(2) If within the period specified in that behalf in any such notice of invitation the owner gives to the local authority notice of acceptance in such form as may be so specified, then—

- (a) the right of the local authority to retain possession of the dwelling under this Act shall be terminated at the expiration of a period of one week beginning with the day on which the next instalment of rent is payable by the licensee under the licence by virtue of which he occupies the dwelling ;
- (b) as from the expiration of that period, the Rent Acts shall apply to the dwelling as if the licensee had retained possession by virtue of those Acts after the expiration of a tenancy at a rent equal to the standard rent specified in subsection (3) of this section, upon the terms that the landlord undertook to pay the rates and to provide such services (if any) as were provided for the licensee as such (whether by the local authority or by the owner in pursuance of arrangements with the local authority) and otherwise upon the like terms and conditions as the said licence ; and
- (c) the local authority shall pay to the owner compensation at such rate as may be specified in the notice of invitation, being a rate determined by the Minister with the consent of the Treasury (such compensation to be calculated by reference to the aggregate of the rental compensation payable in respect of the dwelling for the year ending with the date on which the notice of invitation was given, to the nature of the interest of the owner in the dwelling and, in such cases as may be so determined, to the character of the dwelling) :

Provided that the rate so determined shall not in any case exceed such rate as may be prescribed by regulations made by the Minister with the consent of the Treasury by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) The standard rent of a dwelling in respect of which notice of acceptance is given under subsection (2) of this section shall be a rent (payable at the like times as the rent payable by the licensee under the licence mentioned in that subsection) at an annual rate equal to the aggregate of—

- (a) the annual rate of the rental compensation payable in respect of the dwelling immediately before the day on which the notice of invitation was given under this section ;
- (b) the statutory repairs deduction for the dwelling ;

PART I  
—cont.

- (c) the rates payable in respect of the dwelling for the financial year current on the said day ; and
- (d) the annual cost (if any) incurred by the local authority (calculated immediately before the said day) in providing such services as are mentioned in paragraph (b) of the said subsection (2), or in making payments to the owner in respect of such services provided by him ;

and for the purposes of the Rent Acts as applied to the dwelling by virtue of this section, that rent shall be deemed to have been fixed as the standard rent by a letting commencing immediately before the first day of September, one thousand nine hundred and thirty-nine, upon the like terms and conditions (other than terms as to rent) as the tenancy described in paragraph (b) of subsection (2) of this section, and (without prejudice to the generality of the foregoing provision) paragraphs (c) and (d) of subsection (1) of section two of the Rent Act of 1920 (which permit increases of fifteen and twenty-five per cent. respectively of the net rent) shall not apply.

(4) Except so far as the local authority may from time to time determine, the rent recoverable by the landlord of any such dwelling in respect of any period before the first day of April, nineteen hundred and sixty-five, from the licensee or any statutory successor of his shall not exceed the rent last payable by the licensee to the local authority under the licence ; and where the rent so recoverable in respect of any such period falls short of the rent which would be recoverable apart from this subsection, the local authority shall pay to the landlord an amount equal to the difference.

(5) Any sums payable by a local authority under the last foregoing subsection shall, unless otherwise agreed upon between the authority and landlord, be paid in arrear at intervals of three months ; and for the purpose of the enactments relating to income tax, such sums shall be deemed to be received by the landlord as rent paid by the tenant.

(6) Any prohibition or restriction imposed by covenant or otherwise upon the right of an owner to grant tenancies of a dwelling shall apply in relation to the giving of a notice of acceptance under subsection (2) of this section as it would apply in relation to the grant of a tenancy on the terms described in paragraph (b) of that subsection.

Application  
to court for  
release for  
owner's  
occupation.

5.—(1) Where the owner of a requisitioned dwelling of which possession is retained under this Act (not being an owner whose interest was acquired by purchase in pursuance of a contract made at any time after the thirtieth day of November, nineteen hundred and fifty-four) requires the dwelling as housing



accommodation for himself or for his spouse or any such relative as is mentioned in paragraph (h) of the First Schedule to the Rent Act of 1933, the owner may apply to the court for an order for the recovery of possession of the dwelling; and subject to the provisions of subsection (2) of this section the court shall, if satisfied that the dwelling is reasonably required as aforesaid, make an order accordingly.

(2) If any such dwelling is occupied by a licensee at the commencement of proceedings under this section, the licensee shall be party to the proceedings, and no order for possession shall be made if the court is satisfied that having regard to all the circumstances of the case (including the question whether other accommodation is available respectively for the licensee and for the person for whom the dwelling is required as aforesaid) greater hardship would be caused to the licensee and persons residing with him by making the order than to the person for whom the dwelling is required as aforesaid and persons residing or proposing to reside with him by refusing to make it.

(3) In considering for the purposes of the last foregoing subsection whether other accommodation is available for the licensee of a dwelling, it shall be assumed that no preference would be given to him in respect of accommodation provided by the local authority under Part V of the Housing Act, 1936, over other persons qualified, in accordance with the practice of the authority, to obtain accommodation so provided.

(4) Where the owner of a requisitioned dwelling has obtained an order for possession under this section and it is subsequently made to appear to the court that the order was obtained by misrepresentation or the concealment of material facts, the court may order the owner to pay to the former licensee such sum as appears sufficient as compensation for damage or loss sustained by him as the result of the order.

(5) Subsection (2) of section seventeen of the Rent Act of 1920 (which extends the jurisdiction of county courts in respect of proceedings under that Act) shall apply in relation to any proceedings under this section as it applies to proceedings under that Act.

6.—(1) If the Minister is satisfied, on representations made to him by the owner of any requisitioned house of which possession is retained under this Act, that the owner will suffer severe hardship unless he is enabled either to obtain vacant possession of the house or to dispose of his interest therein discharged from the right to retain possession under this Act, the Minister may, after consultation with the local authority, give directions requiring them, within such period as may be specified in the directions, either to release the house to the owner or, at the

Power of  
Minister to  
require local  
authority to  
release or  
purchase in  
case  
of hardship.

**PART I**  
**—cont.**

option of the local authority, to make to the owner an offer to purchase the house in accordance with subsection (2) of this section.

(2) The offer to be made under the foregoing subsection shall be an offer to purchase the interest of the owner on terms that the price payable therefor shall be equal to (and shall be determined in default of agreement in like manner as) the compensation which would be payable in respect of that interest if it were purchased compulsorily, and shall be irrevocable for a period of not less than one month.

**Release for  
improvement  
works.**

7.—(1) Where application for an improvement grant under section twenty of the Housing Act, 1949, is made by the owner in respect of a requisitioned house of which possession is retained under this Act, and the application contains an undertaking by the owner to complete the improvement works by a date to be approved by the local authority, and to comply with the condition set out in subsection (2) of this section, the local authority shall, if they approve the application, permit the owner to enter on and if necessary to occupy the house for the purpose of carrying out the said works.

(2) The condition referred to in the foregoing subsection is that the owner will, if so required by the local authority, grant to any person nominated by the local authority and approved by the owner (such approval not to be unreasonably withheld in the case of a responsible nominee) a tenancy of the house, or of each dwelling comprised therein, on such terms as may be agreed upon between the owner and the tenant with the approval of the local authority.

(3) When the improvement works are completed to the satisfaction of the local authority, and the owner has complied with the said condition, the local authority shall release the house.

(4) Where the owner of a house is permitted to occupy it in pursuance of subsection (1) of this section—

(a) no rental compensation shall be payable in respect of the house or any dwelling comprised therein for any period after the date approved by the local authority for the completion of the improvement works ; and

(b) the Compensation (Defence) Act, 1939, shall apply in relation to any terminal compensation payable in respect of the house as if the local authority had given up possession on the date on which they approved the application.

(5) After the last-mentioned date, sections three and five of this Act shall cease to have effect in relation to any dwelling comprised in the house.

8.—(1) Except with the consent of the owner, a local authority shall not release any part of a requisitioned house while retaining possession under this Act of any other part of that house, unless the part so released consists of a separate dwelling constituted as such before possession of the house was taken in the exercise of emergency powers.

PART I  
—cont.

Release of  
parts of  
requisitioned  
houses.

(2) The foregoing subsection shall apply in relation to the termination under section three of this Act of the right of a local authority to retain possession of a dwelling forming part of a requisitioned house as it applies in relation to the release of such a dwelling.

(3) Where the right of a local authority to retain possession under this Act of any part of a requisitioned house (in this subsection referred to as “the released part”) is terminated while possession is retained under this Act of any other part of that house, then—

- (a) if the licensee who last occupied the released part was authorised by the local authority to use any shared accommodation comprised in the part of which possession is retained as aforesaid, the persons for the time being entitled to possession of the released part shall be entitled to use that accommodation to the like extent ;
- (b) if any services were provided by the local authority for the said licensee in or from any part of the house of which possession is so retained, the authority shall, if so required by the owner, continue to provide the like services for the persons for the time being entitled to possession of the released part, upon such terms as may be agreed upon between the owner and the local authority, or as may, in default of agreement, be determined by the General Claims Tribunal in accordance with section seven of the Compensation (Defence) Act, 1939.

(4) Where the right of a local authority to retain possession under this Act of any part of a requisitioned house is terminated otherwise than by release by the authority, and the authority do not retain possession under this Act of any dwelling comprised in the house, being a dwelling in connection with which they require to retain possession of any other part of the house for use by the licensee as shared accommodation or for the provision of services for the licensee, the right of the local authority to retain possession under this Act of the whole of the house shall be deemed to be terminated.

PART I  
—cont.

Re-imburse-  
ment of  
compensation  
for  
dilapidations.

*Exchequer contributions*

9.—(1) The Minister shall pay to every local authority a sum equal to the amount of any terminal compensation which is paid by that authority in respect of a requisitioned house.

(2) If at the time when terminal compensation accrues due in respect of a requisitioned house, the local authority, by virtue of the purchase of the house for the purpose of providing housing accommodation in accordance with Part V of the Housing Act, 1936, or of a lease taken by the local authority for that purpose, are owners of the house within the meaning of the Compensation (Defence) Act, 1939, the foregoing subsection shall apply as if the local authority had paid any terminal compensation which would be payable in respect of the house if they were not such owners as aforesaid.

Contributions  
to expenses of  
management,  
etc.

10.—(1) The Minister shall pay to every local authority in respect of any deficit incurred by that authority (as assessed by the Minister) in connection with all requisitioned houses of which they are for the time being in possession under this Act, and in respect of any payments falling to be made by that authority under section four of this Act, a contribution at the following rate, that is to say:—

- (a) one hundred per cent. in respect of any such deficit incurred and payments falling to be made in the period ending with the thirty-first day of March, nineteen hundred and fifty-six ;
- (b) seventy-five per cent. in respect of any such deficit incurred and payments falling to be made in the years ending with the thirty-first day of March, nineteen hundred and fifty-seven to nineteen hundred and sixty inclusive.

(2) If the Minister is satisfied in the case of any local authority that the net expenditure falling to be borne by the authority in consequence of the provisions of this Part of this Act in the year ending with the thirty-first day of March, nineteen hundred and fifty-seven or any subsequent financial year is greater than is reasonable, he may, with the consent of the Treasury, make to them a special grant in respect of that year of such amount as he may, with the consent of the Treasury, decide.

Contributions  
to cost of lease  
or purchase.

11.—(1) If it appears to the Minister that it will not be practicable for a local authority, except by means of the lease or purchase of houses, to provide housing accommodation after the thirty-first day of March, nineteen hundred and sixty, for persons occupying requisitioned houses in their district who will require accommodation so provided, he may make contributions under

this section in respect of any house approved by him (whether a requisitioned house or a house to be used in substitution for such a house), being a house of which a lease is taken by the local authority for purposes of the accommodation of such persons or (if it appears to the Minister that the requirements of such persons cannot be met by means of leases so taken) a house purchased by the authority for those purposes.

(2) The contributions payable to a local authority under this section in respect of such a house shall be annual contributions for the following period, that is to say—

- (a) in the case of a house taken on lease, the term of the lease or ten years beginning with the commencement of that term, whichever is the shorter ;
- (b) in the case of a house purchased, twenty years beginning with the date of the completion of the purchase,

of an amount equal to seventy-five per cent. of the annual deficit likely to be incurred by that authority in respect of the house (as estimated by the Minister at the beginning of that period).

(3) In estimating for the purposes of this section the annual deficit likely to be incurred by a local authority in respect of a house, the annual cost of any capital payment made by the authority in consideration of the grant of a lease or by way of purchase price, as the case may be, shall (however the sums required for making that payment were provided by the authority) be deemed to be such annual sum as would, in the opinion of the Minister, fall to be provided by the local authority for the payment of interest on, and the repayment of, an amount of borrowed money equal to the amount of that payment, being money to be repaid—

- (a) in the case of a lease, within the term of the lease ;
- (b) in the case of a purchase, within a period of twenty years.

(4) If any house in respect of which contributions are paid under this section ceases to be used by the local authority for housing purposes during the period mentioned in subsection (2) of this section, no further contribution shall be paid thereunder in respect of any financial year after the year in which the house ceases to be so used ; and if any such house, or the lease of any such house, is sold or surrendered by the local authority within that period, the Minister may recover from the authority an amount not exceeding seventy-five per cent. of the net amount received by the authority in consideration of the sale or surrender after deduction of so much as would be outstanding at the date of the sale of such an amount of borrowed money as is referred to in subsection (3) of this section.

PART I  
—cont.*Supplemental*Housing  
revenue  
account.

12.—(1) For each financial year in which a contribution is payable to a local authority under section eleven of this Act, the local authority shall make out of the general rate fund a contribution of an amount equal to twenty-five per cent. of the annual deficit in respect of which that contribution is paid.

(2) Subsection (1) of section one hundred and twenty-nine of the Housing Act, 1936 (which relates to credits and debits in housing revenue accounts), and subsection (2) of section one hundred and thirty of that Act (which relates to the disposal of balances in such accounts) shall have effect as if any reference to the contributions referred to in the Eighth Schedule to that Act included a reference to contributions payable under the foregoing subsection.

(3) For the purposes of the said Act of 1936, any contributions paid by the Minister under section eleven of this Act shall be deemed to be Exchequer contributions.

(4) In relation to the London County Council, the reference in subsection (1) of this section to the general rate fund shall be construed as a reference to the county fund.

Notices.

13.—(1) Every local authority shall, at such times as the Minister may direct, give to the owners or licensees of requisitioned houses such notices with respect to the provisions of this Part of this Act, and in such form, as the Minister may direct.

(2) Sections one hundred and sixty-six and one hundred and sixty-seven of the Housing Act, 1936 (which provide for the service of notices to be served under that Act) shall apply to any notice required or authorised to be served under this Part of this Act as they apply to notices under that Act.

Repeal of  
power to  
requisition  
for housing  
purposes.

14.—(1) Regulation fifty-one of the Defence (General) Regulations, 1939 (which enables competent authorities to take possession of land) shall cease to have effect so far as it enables the Minister to take possession of land with a view to its use for housing purposes, but without prejudice to the power of the Minister to retain possession under the said Regulation of any requisitioned land other than a requisitioned house.

(2) This section shall have effect in its application to Scotland and Northern Ireland as if for any reference to the Minister there were substituted a reference to the Secretary of State concerned with housing in Scotland, or with Northern Ireland, as the case may be, and as if the words "other than a requisitioned house" were omitted.

## PART II

## AMENDMENTS OF HOUSING ACTS

15.—(1) The provisions of this section shall have effect with respect to the repayment of sums issued out of the Consolidated Fund of the United Kingdom under subsection (1) of section eight of the Housing (Temporary Accommodation) Act, 1944 (which provides for defraying the expenses incurred by the Minister of Works in connection with the manufacture, construction or erection of structures for use for the provision of temporary housing accommodation under arrangements made under that Act). Repayment of sums issued out of Consolidated Fund under Housing (Temporary Accommodation) Act, 1944.

(2) The aggregate amount remaining to be paid on the first day of April, nineteen hundred and fifty-five, in respect of the repayment of all sums issued as aforesaid at any time before the said first day of April shall be repaid into the Exchequer, with interest thereon at the rate of two-and-a-half per cent. per annum from the thirty-first day of October, nineteen hundred and fifty-four, by seven equal annual instalments, of principal and interest combined, falling due on the thirty-first day of October in each year, the first such instalment falling due in the financial year commencing with the said first day of April.

(3) Any sums issued as aforesaid on or after the said first day of April shall be repaid into the Exchequer before the expiration of the financial year in which they are issued.

(4) Any amount falling to be repaid into the Exchequer under the foregoing provisions of this section shall be paid, as to such part thereof as the Treasury may direct out of moneys provided by Parliament for the service of the Ministry of Housing and Local Government, and as to the remainder thereof out of moneys so provided for the service of the Department of Health for Scotland.

(5) Subsection (3) of section eight of the said Act of 1944 (which requires the aggregate of the sums issued as mentioned in subsection (1) of this section in any one financial year to be repaid by ten equal annual instalments) is hereby repealed with effect from the said first day of April; and subsection (4) of that section (which relates to the application of sums paid into the Exchequer under the said subsection (3)) shall apply to sums repaid into the Exchequer under this section.

16. Subsection (1) of section ninety-four of the Housing (Scotland) Act, 1950 (which provides for the making by the Secretary of State of advances to the Scottish Special Housing Association) shall have effect with the addition, at the end thereof, of the following proviso, that is to say— Amendment of s. 94 of Housing (Scotland) Act, 1950.

“Provided that the aggregate amount of the advances made under this subsection shall not exceed seventy-five million pounds.”

## PART II

—cont.

Application  
of s. 150 of  
Housing  
(Scotland) Act,  
1950, to  
educational  
buildings.

17. Subsection (1) of section one hundred and fifty of the Housing (Scotland) Act, 1950 (which provides for the relaxation of building regulations in certain cases) shall have effect in relation to new buildings constructed (including new buildings constructed as extensions to existing buildings) in accordance with plans and specifications approved by the Secretary of State, being buildings required for the purposes of any school or other educational institution in Scotland, as it has effect in relation to new buildings so constructed in connection with housing operations to which the said section one hundred and fifty applies.

## PART III

## GENERAL

Interpretation.

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

“dwelling” means a house or part of a house occupied or held for occupation as a separate dwelling; and  
“requisitioned dwelling” means a dwelling which is or forms part of a requisitioned house;

“emergency powers” and “exercise” have the meanings respectively assigned to them by the Compensation (Defence) Act, 1939;

“enactment” includes any order, rule, regulation or other instrument made under an Act of Parliament;

“licensee” in relation to a requisitioned dwelling, means the person who, by virtue of an agreement between him and the local authority, is entitled to occupy that dwelling;

“local authority” means a local authority for the purposes of the Housing Act, 1936 (including the London County Council);

“the Minister” means the Minister of Housing and Local Government;

“owner”, in relation to any premises, means the person who, apart from Part I of this Act and emergency powers, would be entitled to possession of the premises;

“rates” includes water rents and charges;

“the Rent Acts” means the Rent and Mortgage Interest Restrictions Acts, 1920 to 1939, and “the Rent Act of 1920” and “the Rent Act of 1933” mean respectively the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, and the Rent and Mortgage Interest Restrictions (Amendment) Act, 1933;



“ rental compensation ” means (subject to the provisions of subsection (3) of this section) compensation payable under paragraph (a) of subsection (1) of section two of the Compensation (Defence) Act, 1939, or under any agreement for the payment of compensation in lieu of the compensation payable under that paragraph ; and in relation to a dwelling which consists of part only of the whole of the land in respect of which such compensation is for the time being payable, means the proportionate part of that compensation ;

“ requisitioned house ” means land which, at the commencement of this Act, is in the possession of the Minister by virtue of an exercise of emergency powers, and which, on the thirtieth day of November, nineteen hundred and fifty-four, was being used by a local authority wholly or mainly for housing purposes under the authority of the Minister, or was held for the purposes of such use, other than land comprised in a camp or other similar establishment or used as a site for the erection of structures provided as a matter of urgent temporary housing accommodation by arrangement with the Minister of Works ; and “ the appropriate local authority ”, in relation to a requisitioned house, means the local authority by whom it was being used, or for whose use it was held, as aforesaid ;

“ requisitioned land ” means land of which possession has been taken and is for the time being retained in the exercise of emergency powers ; and “ the enactments relating to requisitioned land ” includes enactments relating to land of which possession has been taken in the exercise of such powers, or relating to land which is in the possession of a Minister or other competent authority by virtue of an exercise of such powers ;

“ statutory repairs deduction ” in relation to premises of a gross value specified—

(a) in the case of premises in the administrative county of London, in the first column of Part I of the Third Schedule to the Housing Repairs and Rents Act, 1954 ;

(b) in the case of other premises, in the first column of Part II of that Schedule,

means the amount specified in relation thereto in the second column of the said Part I or Part II as the case may be ; and for the purposes of this definition “ gross value ”, in relation to any premises, means the value shown in respect of those premises in the valuation list in force at the commencement of this Act or, if the

**PART III**  
—cont.

premises consist of part only of a hereditament in respect of which such a value is shown, such part of that value as may be apportioned to the premises by agreement between the owner and the local authority, or, in default of such agreement, by the valuation officer as defined by section thirty-three of the Local Government Act, 1948 ;

“ statutory successor ”, in relation to a deceased person having been the licensee of a dwelling, means—

(a) where possession of the dwelling was retained by the licensee by virtue of the Rent Acts at the time of his death, a person who retains possession after the licensee's death by virtue of paragraph (g) of subsection (1) of section twelve of the Rent Act of 1920 ;

(b) where the licensee was in occupation of the dwelling as licensee at the time of his death, any person who, if possession of the dwelling had been retained by the licensee by virtue of the Rent Acts, would or might have been entitled to retain possession as aforesaid ;

“ terminal compensation ” means compensation payable under paragraph (b) of subsection (1) of section two of the Compensation (Defence) Act, 1939, or under any agreement for the payment of compensation in lieu of the compensation payable under that paragraph.

(2) A certificate of the Minister that any land being land which at the commencement of this Act, is in the possession of the Minister by virtue of an exercise of emergency powers is or is not a requisitioned house within the meaning of this Act shall be conclusive evidence of the matter so certified.

(3) Where the rental compensation payable in respect of any premises was fixed by virtue of an agreement and expressed therein to be calculated by reference to the rent which might reasonably be expected to be payable by a tenant who did not undertake to pay the cost of repairs, or whose landlord undertook to pay the rates, any reference in this Act to the amount of the rental compensation payable at any time shall be construed as a reference to that amount reduced by the statutory repairs deduction for the premises, or by the amount of the rates payable in respect of the premises at that time, as the case may be.

(4) Any question arising under this Act as to the amount of the rental compensation in respect of premises consisting of part only of the land in respect of which such compensation is payable, or as to the amount of the rates payable in respect of any such premises, shall, in default of agreement between the owner and the local authority, be referred to and determined

by the General Claims Tribunal in accordance with section seven of the Compensation (Defence) Act, 1939.

PART III  
—cont.

(5) Any reference in this Act to an enactment is a reference thereto as amended, and includes a reference thereto as extended or applied, by or under any subsequent enactment, including this Act.

19.—(1) There shall be defrayed out of moneys provided by Parliament— Financial provisions.

(a) any sums required by the Minister for making payments to local authorities under Part I of this Act ; and

(b) any increase attributable to this Act in the sums payable under any other enactment out of moneys so provided.

(2) Any sums recovered by the Minister under subsection (4) of section eleven of this Act shall be paid by him into the Exchequer.

20.—(1) This Act may be cited as the Requisitioned Houses and Housing (Amendment) Act, 1955. Short title, citation, commencement and extent.

(2) Sections sixteen and seventeen of this Act and the Housing (Scotland) Acts, 1950 and 1952, may be cited together as the Housing (Scotland) Acts, 1950 to 1955.

(3) This Act shall come into operation on the expiration of the period of one month beginning with the date on which it is passed.

(4) Part I of this Act (except section fourteen) shall not extend to Scotland.

(5) This Act (except section fourteen) shall not extend to Northern Ireland.

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*Table of Statutes referred to in this Act*

| Short Title                                                            | Session and Chapter           |
|------------------------------------------------------------------------|-------------------------------|
| Increase of Rent and Mortgage Interest (Restrictions) Act, 1920 ... .. | 10 & 11 Geo. 5. c. 17.        |
| Rent and Mortgage Interest Restrictions (Amendment) Act, 1933 ... ..   | 23 & 24 Geo. 5. c. 32.        |
| Housing Act, 1936 ... ..                                               | 26 Geo. 5. & 1 Edw. 8. c. 51. |
| Emergency Powers (Defence) Act, 1939 ... ..                            | 2 & 3 Geo. 6. c. 62.          |
| Compensation (Defence) Act, 1939 ... ..                                | 2 & 3 Geo. 6. c. 75.          |
| Housing (Temporary Accommodation) Act, 1944 ... ..                     | 7 & 8 Geo. 6. c. 36.          |
| Requisitioned Land and War Works Act, 1945 ... ..                      | 8 & 9 Geo. 6. c. 43.          |
| Local Government Act, 1948 ... ..                                      | 11 & 12 Geo. 6. c. 26.        |
| Housing Act, 1949 ... ..                                               | 12, 13 & 14 Geo. 6. c. 60.    |
| Housing (Scotland) Act, 1950 ... ..                                    | 14 Geo. 6. c. 34.             |
| Housing Repairs and Rents Act, 1954 ... ..                             | 2 & 3 Eliz. 2. c. 53.         |

**CHAPTER 25***Oil in Navigable Waters Act, 1955*

## ARRANGEMENT OF SECTIONS

## Section

1. Discharge of certain oils into prohibited sea areas.
2. Designation of prohibited sea areas.
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4. Special defences under ss. 1 and 3.
5. Equipment in ships to prevent oil pollution.
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9. Restrictions on transfer of oil at night.
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## SCHEDULE—Prohibited Sea Areas.

An Act to enable effect to be given to the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, and otherwise to make new provision for preventing the pollution of navigable waters by oil.

[6th May, 1955]

**W**HEREAS a Convention entitled “The International Convention for the Prevention of Pollution of the Sea by Oil, 1954” (in this Act referred to as “the Convention of 1954”) was signed on behalf of Her Majesty’s Government in the United Kingdom in London on the twelfth day of May, nineteen hundred and fifty-four:

And whereas it is expedient to enable effect to be given to that Convention, and otherwise to make new provision for preventing the pollution of navigable waters by oil:

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

Discharge of certain oils into prohibited sea areas.

1.—(1) If any oil to which this section applies is discharged from a British ship registered in the United Kingdom into a part of the sea which, in relation to that ship, is a prohibited sea area, or if any mixture containing oil to which this section applies is

discharged from such a ship into such a part of the sea with the consequence that the oil in the mixture fouls the surface of the sea, the owner or master of the ship shall, subject to the provisions of this Act, be guilty of an offence under this section.

(2) This section applies—

(a) to crude oil, fuel oil and lubricating oil, and

(b) to heavy diesel oil, as defined by regulations made under this section by the Minister of Transport and Civil Aviation (in this Act referred to as “the Minister”),

and shall also apply to any other description of oil which may be prescribed by the Minister, having regard to the provisions of any subsequent Convention in so far as it relates to the prevention of pollution of the sea by oil, or having regard to the persistent character of oil of that description and the likelihood that it would cause pollution if discharged from a ship into a prohibited sea area.

(3) Regulations made under this section by the Minister may make exceptions from the operation of subsection (1) of this section, either absolutely or subject to any prescribed conditions, and either generally or as respects particular classes of ships, or in relation to particular descriptions of oil or mixtures containing oil or to the discharge of oil or mixtures in prescribed circumstances, or in relation to particular areas of the sea.

(4) For the purposes of any proceedings for an offence under this section in respect of the discharge of a mixture containing oil to which this section applies,—

(a) if it is proved that there were not less than one hundred parts of the oil in a million parts of the mixture, it shall be conclusively presumed that the oil in the mixture fouled the surface of the sea;

(b) if it is proved that there were less than one hundred parts of the oil in a million parts of the mixture, it shall be conclusively presumed that the oil in the mixture did not foul the surface of the sea.

(5) In this Act “subsequent Convention” means any Convention subsequent to the Convention of 1954, being a Convention accepted by Her Majesty’s Government in the United Kingdom.

2.—(1) For the purposes of this Act the areas of the sea Designation of designated by or in accordance with this section shall be pro- prohibited sea hibited sea areas in relation to tankers, and to vessels other than areas. tankers, respectively.

(2) Subject to the following provisions of this section,—

(a) the areas specified in Part I of the Schedule to this Act shall, as from the coming into operation of this paragraph, be prohibited sea areas in relation to tankers;

(b) the areas specified in Part II of that Schedule shall, as from the coming into operation of this paragraph, be prohibited sea areas in relation to vessels other than tankers.

(3) As from the coming into operation of this subsection, the areas specified in Part III of the Schedule to this Act, and any other area designated by order of the Minister for the purpose of giving effect to the provisions of the Convention of 1954 which relate to Australia, shall (subject to the following provisions of this section) be prohibited sea areas in relation to tankers, in addition to the areas specified in Part I of that Schedule.

(4) As from the coming into operation of this subsection, the areas specified in Part IV of the Schedule to this Act shall (subject to the following provisions of this section) be prohibited sea areas in relation to vessels other than tankers, in addition to the areas specified in Part II of that Schedule.

(5) The Minister, if he considers it necessary to do so for the purpose of protecting the coasts and territorial waters of the United Kingdom against pollution by oil, may by order—

(a) designate any area of the sea, outside the territorial waters of the United Kingdom and outside the areas specified in Part I of the Schedule to this Act, as a prohibited sea area in relation to tankers;

(b) designate any area of the sea, outside the territorial waters of the United Kingdom and outside the areas specified in Part II of that Schedule, as a prohibited sea area in relation to vessels other than tankers.

(6) The powers conferred by paragraphs (a) and (b) of the last preceding subsection shall be exercisable either before or after the coming into operation of subsection (3) or (as the case may be) subsection (4) of this section; and any area designated by an order under paragraph (a) of the last preceding subsection before the coming into operation of subsection (3) of this section, or designated by an order under paragraph (b) of the last preceding subsection before the coming into operation of subsection (4) of this section, shall continue thereafter to be a prohibited sea area by virtue of the order, in so far as it is not a prohibited sea area by virtue of being included in Part III or (as the case may be) Part IV of the Schedule to this Act.

(7) For the purpose of giving effect to any variation of the prohibited zones referred to in the Convention of 1954, in accordance with the provisions of that Convention or of any subsequent Convention, the Minister may by order vary any of the areas specified in any Part of the Schedule to this Act, or declare that any area specified in a Part of that Schedule shall cease to be included therein.

(8) For the purpose of giving effect to any subsequent Convention, the Minister may by order designate, as a prohibited sea area in relation to tankers, or to vessels other than tankers, any area of the sea, outside the territorial waters of the United Kingdom, which apart from the order is not a prohibited sea area in relation to tankers, or to vessels other than tankers, as the case may be.

3.—(1) If any oil or mixture containing oil is discharged into waters to which this section applies from any vessel, or from any place on land, or from any apparatus used for transferring oil from or to any vessel (whether to or from a place on land or to or from another vessel), then subject to the provisions of this Act—

Discharge  
of oil into  
United  
Kingdom  
waters.

- (a) if the discharge is from a vessel, the owner or master of the vessel, or
- (b) if the discharge is from a place on land, the occupier of that place, or
- (c) if the discharge is from apparatus used for transferring oil from or to a vessel, the person in charge of the apparatus,

shall be guilty of an offence under this section.

(2) This section applies to the following waters, that is to say,—

- (a) the whole of the sea within the seaward limits of the territorial waters of the United Kingdom, and
- (b) all other waters (including inland waters) which are within those limits and are navigable by sea-going ships.

(3) A harbour authority may appoint a place within their jurisdiction where the ballast water of vessels in which a cargo of petroleum-spirit has been carried may be discharged into the waters of the harbour, at such times, and subject to such conditions, as the authority may determine; and, where a place is so appointed, the discharge of ballast water from such a vessel shall not constitute an offence under this section, if the ballast water is discharged at that place, and at a time and in accordance with the conditions so determined, and the ballast water contains no oil other than petroleum-spirit.

In this subsection “ petroleum-spirit ” has the same meaning as in the Petroleum (Consolidation) Act, 1928.

(4) In this Act “ place on land ” includes anything resting on the bed or shore of the sea, or of any other waters to which this section applies, and also includes anything afloat (other than a vessel) if it is anchored or attached to the bed or shore of the sea or of any such waters; and “ occupier ”, in relation to any such thing as is mentioned in the preceding provisions of this subsection, if it has no occupier, means the owner thereof,

and, in relation to a railway wagon or road vehicle, means the person in charge of the wagon or vehicle and not the occupier of the land on which the wagon or vehicle stands.

(5) In this Act—

“harbour authority” means a person or body of persons empowered by an enactment to make charges in respect of vessels entering a harbour in the United Kingdom or using facilities therein;

“harbour in the United Kingdom” means a port, estuary, haven, dock, or other place which fulfils the following conditions, that is to say,—

(a) that it contains waters to which this section applies, and

(b) that a person or body of persons is empowered by an enactment to make charges in respect of vessels entering that place or using facilities therein.

In this subsection “enactment” includes a local enactment, and “charges” means any charges with the exception of light dues, local light dues and any other charges payable in respect of lighthouses, buoys or beacons, and of charges in respect of pilotage.

Special  
defences under  
ss. 1 and 3.

4.—(1) Where a person is charged with an offence under section one of this Act, or is charged with an offence under the last preceding section as the owner or master of a vessel, it shall be a defence to prove that the oil or mixture in question was discharged for the purpose of securing the safety of the vessel, or of preventing damage to the vessel or her cargo, or of saving life:

Provided that a defence under this subsection shall not have effect if the court is satisfied that the discharge of the oil or mixture was not necessary for the purpose alleged in the defence or was not a reasonable step to take in the circumstances.

(2) Where a person is charged as mentioned in the preceding subsection, it shall also be a defence to prove—

(a) that the oil or mixture escaped in consequence of damage to the vessel, and that as soon as practicable after the damage occurred all reasonable steps were taken for preventing, or (if it could not be prevented) for stopping or reducing, the escape of the oil or mixture, or

(b) that the oil or mixture escaped by reason of leakage, that the leakage was not due to any want of reasonable care, and that as soon as practicable after the escape was discovered all reasonable steps were taken for stopping or reducing it.

(3) Where a person is charged with an offence under the last preceding section as the occupier of a place on land, or as the person in charge of any apparatus, from which oil or a mixture



containing oil is alleged to have escaped, it shall be a defence to prove that the escape of the oil or mixture was not due to any want of reasonable care, and that as soon as practicable after the escape was discovered all reasonable steps were taken for stopping or reducing it.

(4) Without prejudice to the last preceding subsection, it shall be a defence for the occupier of a place on land, who is charged with an offence under the last preceding section, to prove that the discharge was caused by the act of a person who was in that place without the permission (express or implied) of the occupier.

(5) Where a person is charged with an offence under the last preceding section in respect of the discharge of a mixture containing oil from a place on land, it shall (without prejudice to any other defence under this section) be a defence to prove—

- (a) that the oil was contained in an effluent produced by operations for the refining of oil;
- (b) that it was not reasonably practicable to dispose of the effluent otherwise than by discharging it into waters to which the last preceding section applies; and
- (c) that all reasonably practicable steps had been taken for eliminating oil from the effluent:

Provided that a defence under this subsection shall not have effect if it is proved that, at a time to which the charge relates, the surface of the waters into which the mixture was discharged from the place in question, or land adjacent to those waters, was fouled by oil, unless the court is satisfied that the fouling was not caused, or contributed to, by oil contained in any effluent discharged at or before that time from that place.

(6) Where any oil, or mixture containing oil, is discharged in consequence of—

- (a) the exercise of any power conferred by sections five hundred and thirty to five hundred and thirty-two of the Merchant Shipping Act, 1894 (which relate to the removal of wrecks by harbour, conservancy and light-house authorities), or
- (b) the exercise, for the purpose of preventing an obstruction or danger to navigation, of any power to dispose of sunk, stranded or abandoned vessels which is exercisable by a harbour authority under any local enactment,

and apart from this subsection the authority exercising the power, or a person employed by or acting on behalf of the authority, would be guilty of an offence under section one of this Act, or under the last preceding section, in respect of that discharge, the authority or person shall not be convicted of that offence unless it is shown that they or he failed to take such steps (if any) as were reasonable in the circumstances for preventing, stopping or reducing the discharge.

(7) The last preceding subsection shall apply to the exercise of any power conferred by section thirteen of the Dockyard Ports Regulation Act, 1865 (which relates to the removal of obstructions to dockyard ports), as it applies to the exercise of any such power as is mentioned in paragraph (a) of that subsection, as if references to the authority exercising the power were references to the Queen's harbour master for the port in question.

Equipment in ships to prevent oil pollution.

5.—(1) For the purpose of preventing or reducing discharges of oil and mixtures containing oil into the sea, the Minister may make regulations requiring British ships registered in the United Kingdom to be fitted with such equipment, and to comply with such other requirements, as may be prescribed.

(2) Without prejudice to the generality of the preceding subsection, where any regulations made thereunder require ships to be fitted with equipment of a prescribed description, the regulations may provide that equipment of that description—

- (a) shall not be installed in a ship to which the regulations apply unless it is of a type tested and approved by a person appointed by the Minister;
- (b) while installed in such a ship, shall not be treated as satisfying the requirements of the regulations unless, at such times as may be specified in the regulations, it is submitted for testing and approval by a person so appointed.

(3) The Minister may appoint persons to carry out tests for the purposes of any regulations made under this section, and, in respect of the carrying out of such tests, may charge such fees as, with the approval of the Treasury, may be prescribed by the regulations.

(4) Every surveyor of ships shall be taken to be a person appointed by the Minister to carry out tests for the purposes of any regulations made under this section, in so far as they relate to tests required in accordance with paragraph (b) of subsection (2) of this section.

(5) If, in the case of any ship, the provisions of any regulations under this section which apply to that ship are contravened, the owner or master of the ship shall be guilty of an offence under this section.

Penalties for offences under ss. 1, 3 and 5.

6. A person guilty of an offence under section one or section three of this Act, or under the last preceding section, shall, on conviction on indictment, or on summary conviction, be liable to a fine:

Provided that an offence shall not by virtue of this section be punishable on summary conviction by a fine exceeding one thousand pounds.

7.—(1) The Minister may make regulations requiring masters of British ships registered in the United Kingdom to keep records—

Keeping of records of matters relating to oil.

- (a) of any occasion on which oil or a mixture containing oil is discharged from any such ship for the purpose of securing her safety, or of preventing damage to the ship or her cargo, or of saving life;
- (b) of any occasion on which oil or a mixture containing oil is found to be escaping, or to have escaped, from any such ship in consequence of damage to the ship, or by reason of leakage;
- (c) of the carrying out, on board or in connection with any such ship, of such operations as may be prescribed, being operations relating to—
  - (i) the ballasting of oil tanks (whether cargo or bunker fuel tanks) and the discharge of ballast from, and cleaning of, such tanks, or
  - (ii) the separation of oil from water, or from other substances, in any mixture containing oil, or
  - (iii) the disposal of any oil or water, or any other substance, arising from operations relating to any of the matters specified in the preceding sub-paragraphs, or
  - (iv) the disposal of any other oil residues.

(2) The Minister may make regulations requiring the keeping of records relating to the transfer of oil to and from vessels while they are within the seaward limits of the territorial waters of the United Kingdom.

In the case of vessels in respect of which requirements are imposed by the preceding subsection, any requirements imposed by virtue of this subsection shall be in addition to those requirements.

(3) Any records required by virtue of regulations made under the last preceding subsection in the case of any vessel shall be kept by the master of the vessel:

Provided that in the case of a barge the records, in so far as they relate to the transfer of oil to the barge, shall be kept by the person supplying the oil, and, in so far as they relate to the transfer of oil from the barge, shall be kept by the person to whom the oil is delivered.

(4) Where by any regulations made under this section any records are required to be kept, the regulations may—

- (a) prescribe the form in which the records are to be kept, and the nature of the entries to be made in them;
- (b) require the person keeping the records to retain them for a prescribed period;

(c) require that person, at the end of the prescribed period, to transmit the records to a place or person determined by or under the regulations;

(d) provide for the custody or disposal of the records after their transmission to such a place or person;

and any regulations made under subsection (2) of this section may provide for any of the matters specified in paragraphs (b) to (d) of this subsection in relation to records kept under section three of the Oil in Navigable Waters Act, 1922 (which provides for the keeping of records such as are mentioned in subsection (2) of this section).

(5) If any person fails to comply with any requirements imposed by or under this section, he shall be liable on summary conviction to a fine not exceeding five hundred pounds; and if any person makes an entry in any records kept under this section which is to his knowledge false or misleading in any material particular, he shall be liable on summary conviction to a fine not exceeding five hundred pounds, or imprisonment for a term not exceeding six months, or both.

(6) In any proceedings under this Act—

(a) any records kept in pursuance of regulations made under this section shall be admissible as evidence of the facts stated in those records;

(b) any copy of an entry in such records, which is certified by the person by whom the records are required to be kept to be a true copy of the entry, shall be admissible as evidence of the facts stated in the entry;

(c) any document purporting to be records kept in pursuance of regulations made under this section, or purporting to be such a certified copy as is mentioned in the last preceding paragraph, shall, unless the contrary is proved, be presumed to be such records or such a certified copy, as the case may be.

Facilities in  
harbours for  
disposal of oil  
residues.

8.—(1) In respect of every harbour in the United Kingdom, the powers of the harbour authority shall include power to provide facilities for enabling vessels using the harbour to discharge or deposit oil residues (in this Act referred to as “oil reception facilities”).

(2) Any power of a harbour authority to provide oil reception facilities shall include power to join with any other person in providing them, and references in this section to the provision of oil reception facilities by a harbour authority shall be construed accordingly; and any such power shall also include power to arrange for the provision of such facilities by any other person.

(3) A harbour authority providing oil reception facilities, or a person providing such facilities by arrangement with a harbour

authority, may make reasonable charges for the use of the facilities, and may impose reasonable conditions in respect of the use thereof.

(4) Subject to the following provisions of this section, any oil reception facilities provided by, or by arrangement with, a harbour authority shall be open to all vessels using the harbour, on payment of any charges, and subject to compliance with any conditions, imposed in accordance with the last preceding subsection.

(5) Where in the case of any harbour in the United Kingdom it appears to the Minister, after consultation with the harbour authority and with any organisation appearing to him to be representative of owners of British ships registered in the United Kingdom,—

(a) if the harbour has oil reception facilities, that those facilities are inadequate, or

(b) if the harbour has no such facilities, that the harbour has need of such facilities,

the Minister may direct the harbour authority to provide, or arrange for the provision of, such oil reception facilities as may be specified in the directions.

(6) Notwithstanding the provisions of subsection (4) of this section, a harbour authority providing oil reception facilities, or a person providing such facilities by arrangement with a harbour authority, shall not be obliged to make those facilities available for use by tankers, or for the reception of oil residues discharged for the purpose of enabling a vessel to undergo repairs; and the requirements of tankers, and the reception of oil residues discharged for the said purpose, shall be disregarded by the Minister in exercising his powers under the last preceding subsection.

(7) Nothing in this section shall be construed as requiring a harbour authority to allow untreated ballast water (that is to say, ballast water which contains oil and has not been subjected to an effective process for separating the oil from the water) to be discharged into any oil reception facilities provided by, or by arrangement with, the authority; and the Minister shall exercise his powers under subsection (5) of this section accordingly.

(8) Any harbour authority failing to comply with any directions given under subsection (5) of this section within the period specified in the directions, or within any extended period allowed by the Minister (whether before or after the end of the period so specified), shall be guilty of an offence, and liable on summary conviction to a fine not exceeding ten pounds for each day during which the default continues, from the day after the end of the period specified in the directions, or any extended period allowed by the Minister, as the case may be, until the last day before that on which the facilities are provided in accordance with the directions.

(9) As respects any harbour in the United Kingdom, subsections (1), (2), (5) and (8) of this section shall have effect in relation to arrangements for disposing of oil residues discharged or deposited by vessels using the harbour's oil reception facilities, and to the making of such arrangements, as those subsections have effect in relation to oil reception facilities and the provision of such facilities.

Restrictions  
on transfer  
of oil at  
night.

9.—(1) No oil shall be transferred between sunset and sunrise to or from a vessel in any harbour in the United Kingdom unless the requisite notice has been given in accordance with this section:

Provided that this subsection shall not apply to the transfer of oil for the purposes of a fire brigade.

(2) For the purposes of this section a general notice may be given to the harbour master of a harbour that transfers of oil between sunset and sunrise will be frequently carried out at a place in the harbour within a period specified in the notice; and if such a notice is given it shall be the requisite notice for the purposes of this section as regards transfers of oil at that place within the period specified in the notice:

Provided that the period specified in such a notice shall not extend beyond the end of the period of twelve months beginning with the date on which the notice is given.

(3) Subject to the last preceding subsection, the requisite notice for the purposes of this section shall be a notice given to the harbour master not less than three hours nor more than ninety-six hours before the transfer of oil begins.

(4) In the case of a harbour which has no harbour master, references in the two last preceding subsections to the harbour master shall be construed as references to the harbour authority.

(5) If any oil is transferred to or from a vessel in contravention of this section, the master of the vessel, and, if the oil is transferred from or to a place on land, the occupier of that place, shall be liable on summary conviction to a fine not exceeding one hundred pounds.

Duty to report  
discharges  
of oil into  
waters of  
harbours.

10.—(1) If any oil or mixture containing oil—

- (a) is discharged from a vessel into the waters of a harbour in the United Kingdom for the purposes of securing the safety of the vessel, or of preventing damage to the vessel or her cargo, or of saving life, or
- (b) is found to be escaping, or to have escaped, into any such waters from a vessel in consequence of damage to the vessel, or by reason of leakage, or
- (c) is found to be escaping or to have escaped into any such waters from a place on land,

the owner or master of the vessel, or the occupier of the place on land, as the case may be, shall forthwith report the occurrence

to the harbour master, stating, in the case of a report by the owner or master of a vessel, whether it falls within paragraph (a) or paragraph (b) of this subsection, and, if he fails to do so, shall be guilty of an offence under this section:

Provided that if the harbour has no harbour master the report shall be made to the harbour authority.

(2) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding two hundred pounds.

11.—(1) The Minister may appoint any person as an inspector Powers of inspection.  
to report to him—

- (a) whether the prohibitions, restrictions and obligations imposed by virtue of this Act (including prohibitions so imposed by the creation of offences under this Act) have been complied with;
- (b) what measures (other than measures made obligatory by regulations under section five of this Act) have been taken to prevent the escape of oil and mixtures containing oil;
- (c) whether the oil reception facilities provided in harbours are adequate;

and any such inspector may be so appointed to report either in a particular case or in a class of cases specified in his appointment.

(2) Every surveyor of ships shall be taken to be a person appointed generally under the preceding subsection to report to the Minister in every kind of case falling within that subsection.

(3) Section seven hundred and twenty-nine of the Merchant Shipping Act, 1894 (which relates to the powers of inspectors) shall apply to persons appointed under subsection (1) of this section (including surveyors of ships in their capacity as such persons) as it applies to the inspectors referred to in that section, as if—

- (a) in paragraph (a) of subsection (1) of that section, the reference to a ship were a reference to a vessel, and the reference to that Act were a reference to this Act and included a reference to any regulations made under this Act, and
- (b) any power under that section to inspect premises included power to inspect any apparatus used for transferring oil.

(4) Any power of an inspector, under the said section seven hundred and twenty-nine as applied by the last preceding subsection, to inspect a vessel shall include power to test any equipment with which the vessel is required to be fitted in pursuance of regulations under section five of this Act.

(5) Any power of an inspector, under the said section seven hundred and twenty-nine as so applied, to require the production of any records required to be kept in accordance with regulations

under section seven of this Act, shall include power to copy any entry in those records and require the person by whom the records are to be kept to certify the copy as a true copy of the entry; and in subsection (3) of the said section seven hundred and twenty-nine, as so applied, the reference to making a declaration shall be construed as a reference to the certification of such a copy.

(6) Without prejudice to any powers exercisable by virtue of the preceding provisions of this section, in the case of a vessel which is for the time being in a harbour in the United Kingdom the harbour master, and any other person appointed by the Minister under this subsection (either generally or in relation to a particular vessel), shall have power—

- (a) to go on board and inspect the vessel or any part thereof, or any of the machinery, boats, equipment or articles on board the vessel, for the purpose of ascertaining the circumstances relating to an alleged discharge of oil or a mixture containing oil from the vessel into the waters of the harbour;
- (b) to require the production of any records which by virtue of any regulations made under this Act are required to be kept in respect of the vessel;
- (c) to copy any entry in any such records, and require the person by whom the records are to be kept to certify the copy as a true copy of the entry:

Provided that a person exercising any powers conferred by this subsection shall not unnecessarily detain or delay the vessel from proceeding on any voyage.

(7) If any person fails to comply with any requirement duly made in pursuance of paragraph (b) or paragraph (c) of the last preceding subsection, he shall be liable on summary conviction to a fine not exceeding ten pounds; and if any person wilfully obstructs a person acting in the exercise of any power conferred by virtue of this section, he shall be liable on summary conviction to a fine not exceeding one hundred pounds.

**Prosecutions.**

12.—(1) In respect of any of the following offences, that is to say,—

- (a) any offence under section three of this Act which is alleged to have been committed by the discharge of oil, or a mixture containing oil, into the waters of a harbour in the United Kingdom,
- (b) any offence under section seven of this Act relating to the keeping of records of the transfer of oil within such a harbour,
- (c) any offence in relation to such a harbour under section nine or section ten of this Act, and
- (d) any offence under the last preceding section in respect of failure to comply with a requirement of a harbour



master, or in respect of obstruction of a harbour master acting in the exercise of any power conferred by virtue of that section,

no proceedings shall be brought in England or Wales except by or with the consent of the Attorney General, or by the harbour authority:

Provided that the Minister, or a person authorised by any general or special directions of the Minister, may bring proceedings for any such offence as is mentioned in paragraph (a) of this subsection.

(2) The provisions of this subsection shall have effect as respects dockyard ports (within the meaning of the Dockyard Ports Regulation Act, 1865), that is to say—

- (a) in relation to so much of a dockyard port as is comprised in a harbour in the United Kingdom, the preceding subsection shall apply as if the reference to the harbour authority included a reference to the Queen's harbour master for the port, and
- (b) in relation to any part of a dockyard port which is not comprised in a harbour in the United Kingdom, the preceding subsection shall apply as if references to such a harbour included references to a dockyard port, and the reference to the harbour authority were a reference to the Queen's harbour master for the port.

(3) In respect of any other offence alleged to have been committed under this Act, no proceedings shall be brought in England or Wales except by or with the consent of the Attorney General, or by the Minister or a person authorised by any general or special directions of the Minister.

(4) Where, immediately before the date which (apart from this subsection) would be the date of expiry of the time for bringing proceedings in a court of summary jurisdiction in respect of an offence alleged to have been committed under this Act, the person to be charged is outside the United Kingdom, the time for bringing the proceedings shall be extended until the end of the period of two months beginning with the date on which he next enters the United Kingdom.

(5) Proceedings for any offence under this Act may (without prejudice to any jurisdiction exercisable apart from this subsection) be taken against a person at any place at which he is for the time being.

(6) In paragraph (c) of subsection (1) of section fifty-six of the Sea Fish Industry Act, 1938 (which relates to the bringing of proceedings by local fisheries committees), the reference to subsection (4) of section seven of the Oil in Navigable Waters Act, 1922, shall be construed as a reference to subsections (1) and (3) of this section, and the reference to any offence under that Act shall be construed as a reference to any offence under this Act.

Enforcement  
and applica-  
tion of fines.

13.—(1) Where a fine imposed by a court in proceedings against the owner or master of a vessel for an offence under this Act is not paid at the time ordered by the court, the court shall, in addition to any other powers for enforcing payment, have power to direct the amount remaining unpaid to be levied by distress or poinding and sale of the vessel, her tackle, furniture and apparel.

(2) Where a person is convicted of an offence under section one or section three of this Act, and the court imposes a fine in respect of the offence, then if it appears to the court that any person has incurred, or will incur, expenses in removing any pollution, or making good any damage, which is attributable to the offence, the court may order the whole or part of the fine to be paid to that person for or towards defraying those expenses.

General  
provisions as  
to application  
of Act.

14.—(1) The provisions of this Act, except provisions which are expressed to apply only to British ships registered in the United Kingdom, shall (subject to any exemptions expressly conferred by or under this Act) apply to all vessels, whether registered or not, and of whatever nationality.

(2) Her Majesty may by Order in Council direct that, subject to such exceptions and modifications as may be specified in the Order, any regulations made under section five of this Act, or under subsection (1) of section seven of this Act, shall apply to ships registered in countries and territories other than the United Kingdom at any time when they are in a harbour in the United Kingdom, or are within the seaward limits of the territorial waters of the United Kingdom while on their way to or from a harbour in the United Kingdom.

(3) An Order in Council under the last preceding subsection shall not be made so as to impose different requirements in respect of ships of different countries or territories:

Provided that if Her Majesty is satisfied, as respects any country or territory, that ships registered there are required, by the law of that country or territory, to comply with provisions which are substantially the same as, or equally effective with, the requirements imposed by virtue of the Order, Her Majesty may by Order in Council direct that those requirements shall not apply to any ship registered in that country or territory if the ship complies with the said provisions applicable thereto under the law of that country or territory.

(4) No regulation shall by virtue of an Order in Council under this section apply to any ship as being within a harbour in the United Kingdom, or on her way to or from such a harbour, if the ship would not have been within the harbour, or, as the case may be, on her way to or from the harbour, but for stress of weather or any other circumstance which neither the master nor the owner nor the charterer (if any) of the ship could have prevented or forestalled.

15. The Minister may exempt any vessels or classes of vessels from any of the provisions of this Act or of any regulations made thereunder, either absolutely or subject to such conditions as he thinks fit. Power of Minister to grant exemptions.

16.—(1) The provisions of this Act do not apply to vessels of Her Majesty's navy, nor to Government ships in the service of the Admiralty while employed for the purposes of Her Majesty's navy. Application of Act to Crown.

(2) Subject to the preceding subsection—

(a) provisions of this Act which are expressed to apply only to British ships registered in the United Kingdom apply to Government ships so registered as they apply to other ships which are registered in the United Kingdom as British ships;

(b) provisions of this Act which are expressed to apply to vessels generally apply to Government ships as they apply to other vessels.

(3) In this section "Government ships" has the same meaning as in section eighty of the Merchant Shipping Act, 1906.

17.—(1) Her Majesty may by Order in Council direct that any of the provisions of this Act specified in the Order (including any enactments for the time being in force amending or substituted for those provisions) shall extend, with such exceptions and modifications, if any, as may be specified in the Order, to the Isle of Man, any of the Channel Islands, or any colony. Provisions as to Isle of Man, Channel Islands, colonies and dependencies.

(2) The Foreign Jurisdiction Act, 1890, shall have effect as if the provisions of this Act were included among the enactments which, by virtue of section five of that Act, may be extended by Order in Council to foreign countries in which for the time being Her Majesty has jurisdiction.

(3) Her Majesty may by Order in Council direct that, subject to such exceptions and modifications as may be specified in the Order, the provisions of this Act which (apart from section fourteen of this Act and the last preceding section) apply only to British ships registered in the United Kingdom shall apply also to ships registered in any country or territory specified in the Order, being a country or territory to which the provisions of this Act can be extended by virtue of either of the preceding subsections.

18.—(1) Her Majesty may by Order in Council empower such persons as may be designated by or under the Order to go on board any ship to which the Convention of 1954 applies, while the ship is within a harbour in the United Kingdom, and to require production of any records required to be kept in accordance with that Convention. Enforcement of Conventions relating to oil pollution.

(2) An Order in Council under this section may, for the purposes of the Order, and with any necessary modifications, apply any of the provisions of this Act relating to the production and inspection of records and the taking of copies of entries therein, and to the admissibility in evidence of such records and copies, including any provisions of the Merchant Shipping Act, 1894, applied by those provisions and including any penal provisions of this Act in so far as they relate to those matters.

(3) For the purposes of this section Her Majesty, if satisfied that the government of any country has accepted, or denounced, the Convention of 1954, or that the Convention of 1954 extends, or has ceased to extend, to any territory, may by Order in Council make a declaration to that effect; and in this section "ship to which the Convention of 1954 applies" means a ship registered in—

(a) a country the government of which has been so declared to have accepted that Convention, and has not been so declared to have denounced it, or

(b) a territory to which it has been so declared that the Convention extends, not being a territory to which it has been so declared that the Convention has ceased to extend.

(4) The preceding provisions of this section shall apply to any subsequent Convention, in so far as it relates to the prevention of pollution of the sea by oil, as those provisions apply to the Convention of 1954.

**Annual  
Report.**

19. The Minister shall, as soon as possible after the end of each calendar year, make a report on the exercise and performance of his functions under this Act during that year, which shall include such observations as he may think fit to make on the operation during that year of this Act, of the Convention of 1954 and of any subsequent Convention, and he shall lay a copy of every such report before each House of Parliament.

**General  
provisions  
as to Orders  
in Council,  
regulations  
and orders.**

20.—(1) Any power to make regulations or an order under this Act shall be exercisable by statutory instrument.

(2) Any statutory instrument containing any such regulations, or containing any Order in Council under this Act, other than an Order in Council under section seventeen of this Act, or containing any order (other than an Order in Council) made under any of the preceding provisions of this Act, shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) Any Order in Council, or other order, made under any provision of this Act may be varied or revoked by a subsequent Order in Council or order made thereunder.

(4) Where a power to make regulations is conferred by any provision of this Act, regulations under that power may be made either as respects all, or as respects any one or more, of the classes of vessels, or other matters, to which the provision relates; and different provision may be made by any such regulations as respects different classes of vessels, or otherwise as respects different classes of cases or different circumstances.

21.—(1) There shall be defrayed out of moneys provided by **Financial**  
Parliament— **provisions.**

- (a) any administrative expenses of the Minister under this Act, and
- (b) any increase attributable to the provisions of section eight of this Act in the sums payable out of moneys so provided under Part I of the Local Government Act, 1948, or under the Local Government (Financial Provisions) (Scotland) Act, 1954.

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

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

- “barge” includes a lighter or any similar vessel;
- “harbour authority” and “harbour in the United Kingdom” have the meanings assigned to them by section three of this Act;
- “harbour master” includes a dock master or pier master, and any person specially appointed by a harbour authority for the purpose of enforcing the provisions of this Act in relation to the harbour;
- “local enactment” means a local or private Act, or an order confirmed by Parliament or brought into operation in accordance with special parliamentary procedure;
- “mile” means a nautical mile, that is to say, a distance of six thousand and eighty feet;
- “the Minister” means the Minister of Transport and Civil Aviation;
- “oil” means oil of any description and includes spirit produced from oil of any description, and also includes coal tar, and any power conferred by any provision of this Act to prescribe descriptions of oil for the purposes of that provision shall be construed accordingly;
- “oil reception facilities” has the meaning assigned to it by section eight of this Act;
- “oil residues” means any waste material consisting of, or arising from, oil or a mixture containing oil;

- “ outside the territorial waters of the United Kingdom ” means outside the seaward limits of those waters;
- “ place on land ” has the meaning assigned to it by section three of this Act;
- “ prescribed ” means prescribed by regulations under this Act;
- “ sea ” includes any estuary or arm of the sea;
- “ subsequent Convention ” has the meaning assigned to it by section one of this Act;
- “ tanker ” means a vessel constructed or adapted for carrying a cargo of oil in bulk;
- “ transfer ”, in relation to oil, means transfer in bulk.

(2) Any reference in any provision of this Act to a mixture containing oil shall be construed as a reference to any mixture of oil (or, as the case may be, of oil of a description referred to in that provision) with water or with any other substance.

(3) Any reference in this Act to the discharge of oil or a mixture containing oil, or to its being discharged, from a vessel, place or thing, except where the reference is to its being discharged for a specified purpose, includes a reference to the escape of the oil or mixture, or (as the case may be) to its escaping, from that vessel, place or thing.

(4) For the purposes of any provision of this Act relating to the discharge of oil or a mixture containing oil from a vessel, any floating craft (other than a vessel) which is attached to a vessel shall be treated as part of the vessel.

(5) Any power conferred by this Act to test any equipment on board a vessel shall be construed as including a power to require persons on board the vessel to carry out such work as may be requisite for the purpose of testing the equipment; and any provision of this Act as to submitting equipment for testing shall be construed accordingly.

(6) Subject to the preceding subsections, expressions used in this Act and in the Merchant Shipping Act, 1894, have the same meanings in this Act as in that Act.

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

Provisions as  
to Northern  
Ireland.

23.—(1) The provisions of this section shall have effect for the purposes of the application of this Act in relation to Northern Ireland.

(2) References in section eight of this Act to the Minister shall be construed as references to the Ministry of Commerce for Northern Ireland (in this section referred to as “ the Ministry of Commerce ”)

(3) In relation to places on land in Northern Ireland, and to apparatus located in Northern Ireland otherwise than on board a vessel,—

- (a) persons appointed by the Minister as inspectors under section eleven of this Act, and surveyors of ships in their capacity as persons so appointed, shall have no powers of entry or inspection, but
- (b) persons appointed by the Ministry of Commerce shall have the like powers as (but for the preceding paragraph) persons appointed by the Minister would have by virtue of that section, and the provisions of that section shall have effect in relation to persons appointed by the Ministry of Commerce as, in England and Wales, they have effect in relation to persons appointed by the Minister.

(4) Subsections (1) and (3) of section twelve of this Act shall apply to proceedings in Northern Ireland as they apply to proceedings in England and Wales, with the substitution, for references to the Attorney General, of references to the Attorney General for Northern Ireland:

Provided that in relation to proceedings for an offence under section three of this Act—

- (a) if the alleged offence relates to the discharge of oil or a mixture containing oil from a vessel in a harbour or inland waterway in Northern Ireland, references in those subsections to the Minister shall be construed as references to the Minister or the Ministry of Commerce;
- (b) if the alleged offence relates to the discharge of oil or a mixture containing oil from a place on land in Northern Ireland, or from apparatus located in Northern Ireland otherwise than on board a vessel, references in those subsections to the Minister shall be construed as references to the Ministry of Commerce.

(5) “Court of summary jurisdiction” means a court of summary jurisdiction constituted in accordance with the enactments (including enactments of the Parliament of Northern Ireland) for the time being in force in Northern Ireland relating to summary jurisdiction, and “summary conviction” means conviction in accordance with those enactments; and in the definition of “local enactment” in subsection (1) of the last preceding section the reference to a local or private Act includes a reference to a local or private Act of the Parliament of Northern Ireland, and the reference to an order confirmed by Parliament includes a reference to an order confirmed by that Parliament.

(6) In subsection (3) of section three of this Act, the reference to the Petroleum (Consolidation) Act, 1928, shall be construed as a reference to the Petroleum (Consolidation) Act (Northern Ireland), 1929.

(7) For the purposes of section six of the Government of Ireland Act, 1920 (which relates to the powers of the Parliament of Northern Ireland to make laws), this Act shall be deemed to have been passed before the day appointed for the purposes of that section.

Repeal and savings.

**24.**—(1) The Oil in Navigable Waters Act, 1922, is hereby repealed:

Provided that in the case of section three of that Act (which relates to the keeping of records of transfers of oil) the repeal effected by this subsection shall not take effect until the first regulations made under subsection (2) of section seven of this Act come into operation.

(2) Subject to the preceding subsection, and to section thirty-three of the Interpretation Act, 1889 (which relates to offences under two or more laws), nothing in this Act shall affect any restriction imposed by or under any other enactment, whether contained in a public general Act or in a local or private Act, or shall derogate from any right of action or other remedy (whether civil or criminal) in proceedings instituted otherwise than under this Act.

Short title, extent and commencement.

**25.**—(1) This Act may be cited as the Oil in Navigable Waters Act, 1955.

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

(3) This Act shall come into operation on such day as the Minister may by order appoint; and different days may be appointed for the purposes of different provisions of this Act.

Section 2.

## SCHEDULE

### PROHIBITED SEA AREAS

#### PART I

##### *Initial Areas for Tankers*

1. The whole of the sea which lies—
  - (a) outside the territorial waters of the United Kingdom, and
  - (b) within 100 miles from the coast of any of the following countries, that is to say, the United Kingdom, Belgium, the Netherlands, the Federal Republic of Germany, and Denmark.
2. The whole of the sea which lies—
  - (a) south of latitude 62° north, and
  - (b) within 50 miles from the coast of Norway.



3. So much of the Atlantic Ocean and of the English Channel, outside the territorial waters of the United Kingdom, and outside the area specified in paragraph 1 of this Part of this Schedule, as lies within a line drawn from a point on the Greenwich meridian 100 miles in a north-north-easterly direction from the Shetland Isles; thence northwards along the Greenwich meridian to latitude 64° north; thence westwards along the 64th parallel to longitude 10° west; thence to latitude 60° north, longitude 14° west; thence to latitude 54° 30' north, longitude 30° west; thence to latitude 44° 20' north, longitude 30° west; thence to latitude 48° north, longitude 14° west; thence eastwards along the 48th parallel to the coast of France.

SCH.  
—cont.

#### PART II

##### *Initial Areas for Vessels other than Tankers*

1. The whole of the sea which lies—
  - (a) outside the territorial waters of the United Kingdom, and
  - (b) within 100 miles from the coast of any of the following countries, that is to say, the United Kingdom, the Republic of Ireland, Belgium, the Netherlands, the Federal Republic of Germany, and Denmark, or within 100 miles from the coast of any of the Channel Islands.
2. The whole of the sea which lies—
  - (a) south of latitude 62° north, and
  - (b) within 50 miles from the coast of Norway.

#### PART III

##### *Additional Areas for Tankers*

1. The whole of the sea which lies within 50 miles from land, exclusive of—
  - (a) the areas specified in Part I of this Schedule,
  - (b) any area within the seaward limits of the territorial waters of the United Kingdom, and
  - (c) the Adriatic Sea.
2. So much of the Adriatic Sea as lies within 50 miles from the coast of Albania, and so much of the remainder of the Adriatic Sea as lies within 30 miles from any other coast (the island of Vis being disregarded).

#### PART IV

##### *Additional Areas for Vessels other than Tankers*

1. The whole of the sea which lies within 50 miles from land, exclusive of—
  - (a) the areas specified in Part II of this Schedule,
  - (b) any area within the seaward limits of the territorial waters of the United Kingdom, and
  - (c) the Adriatic Sea.
2. So much of the Adriatic Sea as lies within 50 miles from the coast of Albania, and so much of the remainder of the Adriatic Sea as lies within 20 miles from any other coast (the island of Vis being disregarded).

## Table of Statutes referred to in this Act

| Short Title                                                      | Session and Chapter    |
|------------------------------------------------------------------|------------------------|
| Dockyard Ports Regulation Act, 1865 ...                          | 28 & 29 Vict. c. 125.  |
| Interpretation Act, 1889 ...                                     | 52 & 53 Vict. c. 63.   |
| Foreign Jurisdiction Act, 1890 ...                               | 53 & 54 Vict. c. 37.   |
| Merchant Shipping Act, 1894 ...                                  | 57 & 58 Vict. c. 60.   |
| Merchant Shipping Act, 1906 ...                                  | 6 Edw. 7. c. 48.       |
| Government of Ireland Act, 1920 ...                              | 10 & 11 Geo. 5. c. 67. |
| Oil in Navigable Waters Act, 1922 ...                            | 12 & 13 Geo. 5. c. 39. |
| Petroleum (Consolidation) Act, 1928 ...                          | 18 & 19 Geo. 5. c. 32. |
| Sea Fish Industry Act, 1938 ...                                  | 1 & 2 Geo. 6. c. 30.   |
| Local Government Act, 1948 ...                                   | 11 & 12 Geo. 6. c. 26. |
| Local Government (Financial Provisions) (Scotland) Act, 1954 ... | 2 & 3 Eliz. 2. c. 13.  |

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CHAPTER 26

An Act to make provision with respect to the allowing of free travel or reduced fares on public service vehicles run by local authorities and for purposes connected therewith. [6th May, 1955]

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

Granting by local authorities of travel concessions.

1.—(1) Notwithstanding anything in any other enactment or in any rule of law to the contrary, it shall be lawful for any local authority who are operating a public service vehicle undertaking to make arrangements for the granting of established travel concessions to qualified persons travelling on the public service vehicles run by the local authority or on any of those vehicles to which the arrangements relate.

(2) In this Act the expression “qualified persons” means persons mentioned in any of the following paragraphs or any description of such persons, that is to say—

- (a) men over the age of sixty-five years and women over the age of sixty years;
- (b) persons whose age does not exceed fifteen years;
- (c) persons whose age exceeds fifteen years but does not exceed eighteen years and who are undergoing full-time education;
- (d) blind persons, that is to say persons so blind as to be unable to perform any work for which eyesight is essential;

- (e) persons suffering from any disability or injury which, in the opinion of the local authority, seriously impairs their ability to walk;
- (f) members of the local authority or of a constituent authority of the local authority (including persons who for the purposes of Part VI of the Local Government Act, 1948, are to be treated as members of the local authority or constituent authority):

Provided that travel concessions granted to a person by virtue of paragraph (c) of this subsection shall be limited to travel between the residence of such person and his place of education or for purposes in connection with the education received by him thereat, and travel concessions granted to a person by virtue of paragraph (f) of this subsection shall be limited to travel in the performance of approved duties as defined in section one hundred and fifteen of the Local Government Act, 1948.

(3) In this section the expression "established travel concession", in relation to the grant of travel concessions by any local authority to persons of any description, means—

- (a) a travel concession which was being granted by that authority to persons of that description at any date in the year nineteen hundred and fifty-four not later than the thirtieth day of November, or
- (b) any less travel concession.

A certificate of the licensing authority for public service vehicles, granted on an application made by a local authority in accordance with the Schedule to this Act, that any travel concession specified in the certificate was at any such date as aforesaid being granted by the local authority to persons of a description so specified shall be conclusive evidence of the facts certified.

(4) The council of a county borough or county district in whose area another local authority run public service vehicles may contribute to any cost incurred by that other local authority in the granting to qualified persons of travel concessions in that area.

(5) In respect of travel concessions granted by them to qualified persons the council of a county borough or county district may, if they think fit, from time to time transfer to the credit of the account of their transport undertaking sums from the general rate fund, being sums not exceeding the cost to them of granting the concessions or so much of that cost as would not fall to be met out of the general rate fund apart from this subsection.

(6) In respect of travel concessions granted to qualified persons by a joint board or joint committee, the council of a county borough or county district, being a constituent authority of the board or committee, may if they think fit pay to the credit of the

account of the transport undertaking of the board or committee sums out of the general rate fund not exceeding the appropriate proportion of the cost incurred by the board or committee in granting the concessions or so much of that cost as would not fall to be defrayed out of the general rate funds of the constituent authorities apart from this subsection.

In this subsection the expression "appropriate proportion" means, in relation to a constituent authority, the proportion in which that authority contributes to the expenses of the joint board or joint committee.

(7) Sections one and two of the Transport Charges &c. (Miscellaneous Provisions) Act, 1954, shall not apply to fares chargeable to qualified persons by virtue of travel concessions granted by local authorities, and no conditions attached to a road service licence shall prejudice the operation of arrangements for granting such concessions to such persons.

(8) Any expenditure of a local authority incurred before the passing of this Act which would have been lawful if this Act had then been in force shall be deemed to have been lawfully incurred.

Expenditure
by local
authorities
under this Act.

2. Any expenditure incurred by the council of a county borough or county district in defraying the cost of the granting (whether before or after the passing of this Act) of travel concessions to qualified persons (whether by the council or by a joint board or joint committee of which the council are a constituent authority) or in making contributions under subsection (4) of the last foregoing section shall be left out of account in computing the expenditure of the council for the purposes of section four of the Local Government Act, 1948.

Interpretation.

3. In this Act—

"local authority" means—

(i) the council of any county borough or county district; and

(ii) any joint board or joint committee which is constituted so as to include among its members representatives of a county borough or county district,

and the expression "constituent authority", in relation to any such joint board or joint committee as aforesaid, means the council of any county borough or county district represented on the board or committee;

"public service vehicle" means an express carriage, a stage carriage, a tramcar or a trolley vehicle, and "public service vehicle undertaking" shall be construed accordingly;

"express carriage", "stage carriage", "tramcar" and "trolley vehicle" have the same respective meanings as in the Road Traffic Act, 1930;

“qualified persons” has the meaning assigned to it by subsection (2) of section one of this Act; and

“travel concession” means the reduction or waiver of a fare or charge, either absolutely or subject to terms, limitations, or conditions.

4. In the application of this Act to Scotland—

(a) for references to a local authority or to the council of a county borough or county district there shall be substituted references to a town council;

(b) for the reference in section one of this Act to the general rate fund there shall be substituted a reference to the burgh fund; and

(c) for the reference in section two of this Act to section four of the Local Government Act, 1948, there shall be substituted a reference to section five of the Local Government (Financial Provisions) (Scotland) Act, 1954.

5.—(1) This Act may be cited as the Public Service Vehicles (Travel Concessions) Act, 1955. Short title
and extent.

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

SCHEDULE

Section 1.

CERTIFICATION OF TRAVEL CONCESSIONS

1. Not less than fourteen days before making an application under subsection (3) of section one of this Act a local authority shall publish in at least one newspaper circulating in the locality an advertisement of the proposed application.

2. Any such advertisement shall set out the travel concessions (including any relevant terms, limitations or conditions) alleged to have been granted by the authority and the descriptions of persons in relation to which each of the concessions is alleged to have been granted, and shall state that any person may within fourteen days from the publication of the advertisement, by notice in writing given to the local authority and to the licensing authority for public service vehicles, object to the giving of the certificate applied for on the ground that travel concessions were not being granted by the local authority as alleged.

3. Before determining any such application the licensing authority shall afford to the local authority and to any person who has duly given notice of objection under the last foregoing paragraph an opportunity of being heard, and shall then in accordance with their findings either grant the certificate applied for, with or without modifications, or refuse a certificate.



Table of Statutes referred to in this Act

Short title	Session and Chapter
Road Traffic Act, 1930	20 & 21 Geo. 5. c. 43.
Local Government Act, 1948	11 & 12 Geo. 6. c. 26.
Local Government (Financial Provisions) (Scotland) Act, 1954	2 & 3 Eliz. 2. c. 13.
Transport Charges &c. (Miscellaneous Provisions) Act, 1954	2 & 3 Eliz. 2. c. 64.

CHAPTER 27*Public Libraries (Scotland) Act, 1955*

ARRANGEMENT OF SECTIONS

Section

1. Removal of limitation on expenditure and borrowing by county and town councils for public libraries.
2. Provisions for facilitating co-operation among statutory and non-statutory library authorities.
3. Revocation of decision to adopt the principal Act.
4. Extension of lending power of public libraries.
5. Interpretation, citation and extent.

An Act to remove the limitations imposed by section one hundred and ninety-one of the Local Government (Scotland) Act, 1947, and by section fourteen of the Public Libraries Consolidation (Scotland) Act, 1887, on the annual expenditure and the power to borrow money of county and town councils for and in connection with public libraries; to facilitate co-operation among statutory and non-statutory library authorities; to authorise the revocation of a decision to adopt the Public Libraries Consolidation (Scotland) Act, 1887; and to extend the lending powers of statutory library authorities. [6th May, 1955]

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

Removal of
limitation on
expenditure
and
borrowing
by county and
town councils
for public
libraries.

1.—(1) Subsection (1) and subsection (3) of section one hundred and ninety-one of the Local Government (Scotland) Act, 1947, and any corresponding enactment contained in any local Act shall, in so far as they impose a limitation on the annual expenditure of a county or town council for and in connection with public libraries, cease to have effect.

(2) So much of section fourteen of the principal Act as 10 & 11 Geo. 6. imposes a limitation on the amount of money which may be c. 43.

borrowed by a county or town council for the purposes of that Act shall cease to have effect.

2.—(1) A statutory library authority shall have power to enter into arrangements with any other statutory library authority or with any non-statutory library authority with a view to the improvement of their respective library services, and, without prejudice to the foregoing generality, any such arrangements may provide for the lending by one authority to the other of any library material.

Provisions for facilitating co-operation among statutory and non-statutory library authorities.

(2) A statutory library authority may, with the consent of the Secretary of State given either generally or specially, contribute towards the expenses of any non-statutory library authority.

(3) Where—

(a) a non-statutory library authority includes among its objects the provision of library services to all statutory library authorities in Scotland, and

(b) the Associations representing the local authorities concerned agree that a specified sum should be jointly contributed annually for a specified number of years to the said non-statutory library authority by the statutory library authorities belonging to their Associations, and that the said sum should be apportioned among the said authorities on a specified basis,

then, if each of the said Associations resolves that each of the statutory library authorities belonging to that Association shall for the said number of years contribute the amount due by them in accordance with the agreement and if the Secretary of State approves of the said resolution, each of the said statutory library authorities shall contribute accordingly.

(4) The provisions of this section shall have effect notwithstanding anything in any other enactment (including any enactment contained in a local Act).

3.—(1) Where the principal Act has been adopted in respect of part of a county or in respect of a burgh, the county council or the town council, as the case may be, if they are satisfied that adequate library services will thereafter be provided in that part of the county or in the burgh by some other statutory library authority, may revoke the decision to adopt that Act, and thereupon that Act shall cease to apply to that part of the county or to the burgh.

Revocation of decision to adopt the principal Act.

(2) Where the council of a county or of a burgh have, under the foregoing subsection, revoked a decision to adopt the principal Act, they may transfer any property vested in them by virtue of that Act for the benefit of the area affected by the revocation to any other statutory library authority by whom in pursuance of arrangements made by them library services will

thereafter be provided in that area, or may dispose of it in such other way as, with the approval of the Secretary of State, they may determine.

Extension of lending power of public libraries.

4. The power conferred by the seventh paragraph of section twenty-one of the principal Act of lending out books from a library shall extend to the lending out of any other library material which the managers of the library may think proper to lend out.

Interpretation, citation and extent.

5.—(1) In this Act the following expressions have the meanings hereby respectively assigned to them:—

“library material” means any library material the purchase of which is authorised by the third paragraph of section twenty-one of the principal Act;

“non-statutory library authority” means a body, not trading for profit, which provides library services otherwise than in the exercise of statutory powers;

50 & 51 Vict. c. 42.

“the principal Act” means the Public Libraries Consolidation (Scotland) Act, 1887;

“statutory library authority” means a county council, town council or committee authorised by the Public Libraries (Scotland) Acts, 1887 to 1920, or by any other enactment (including any enactment contained in a local Act) to provide library services, or the education authority of a county within the meaning of the Education (Scotland) Act, 1946.

9 & 10 Geo. 6. c. 72.

(2) This Act may be cited as the Public Libraries (Scotland) Act, 1955, and the Public Libraries (Scotland) Acts, 1887 to 1920, and this Act may be cited together as the Public Libraries (Scotland) Acts, 1887 to 1955.

(3) This Act shall extend to Scotland only.

CHAPTER 28

Children and Young Persons (Harmful Publications) Act, 1955

ARRANGEMENT OF SECTIONS

Section

1. Works to which this Act applies.
2. Penalty for printing, publishing, selling, &c., works to which this Act applies.
3. Power to search for, and dispose of, works to which this Act applies and articles for printing them.
4. Prohibition of importation of works to which this Act applies and articles for printing them.
5. Short title, interpretation, extent, commencement and duration.

**An Act to prevent the dissemination of certain pictorial
publications harmful to children and young persons.**

[6th May, 1955]

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

1. This Act applies to any book, magazine or other like work which is of a kind likely to fall into the hands of children or young persons and consists wholly or mainly of stories told in pictures (with or without the addition of written matter), being stories portraying—

- (a) the commission of crimes; or
- (b) acts of violence or cruelty; or
- (c) incidents of a repulsive or horrible nature;

in such a way that the work as a whole would tend to corrupt a child or young person into whose hands it might fall.

2.—(1) A person who prints, publishes, sells or lets on hire a work to which this Act applies, or has any such work in his possession for the purpose of selling it or letting it on hire, shall be guilty of an offence and liable, on summary conviction, to imprisonment for a term not exceeding four months or to a fine not exceeding one hundred pounds or to both:

Provided that, in any proceedings taken under this subsection against a person in respect of selling or letting on hire a work or of having it in his possession for the purpose of selling it or letting it on hire, it shall be a defence for him to prove that he had not examined the contents of the work and had no reasonable cause to suspect that it was one to which this Act applies.

(2) A prosecution for an offence under this section shall not, in England or Wales, be instituted except by, or with the consent of, the Attorney General.

3.—(1) Where, upon an information being laid before a justice of the peace that a person has, or is suspected of having, committed an offence under the last foregoing section with respect to a work (hereafter in this subsection referred to as "the relevant work"), the justice issues a summons directed to that person requiring him to answer to the information or issues a warrant to arrest that person, that or any other justice, if satisfied by written information substantiated on oath that there is reasonable ground for suspecting that the said person has in his possession or under his control—

- (a) any copies of the relevant work or any other work to which this Act applies; or

- (b) any plate prepared for the purpose of printing copies of the relevant work or any other work to which this Act applies or any photographic film prepared for that purpose;

may grant a search warrant authorising any constable named therein to enter (if necessary by force) any premises specified in the warrant and any vehicle or stall used by the said person for the purposes of trade or business and to search the premises, vehicle or stall and seize any of the following things which the constable finds therein or thereon, that is to say:—

- (i) any copies of the relevant work and any copies of any other work which the constable has reasonable cause to believe to be one to which this Act applies; and
- (ii) any plate which the constable has reasonable cause to believe to have been prepared for the purpose of printing copies of any such work as is mentioned in paragraph (i) of this subsection and any photographic film which he has reasonable cause to believe to have been prepared for that purpose.

(2) The court by or before which a person is convicted of an offence under the last foregoing section with respect to a work may order any copies of that work and any plate prepared for the purpose of printing copies of that work or photographic film prepared for that purpose, being copies which have, or a plate or film which has, been found in his possession or under his control, to be forfeited:

Provided that an order made under this subsection by a magistrates' court or, on appeal from a magistrates' court, by a court of quarter sessions shall not take effect until the expiration of the ordinary time within which an appeal in the matter of the proceedings in which the order was made may be lodged (whether by giving notice of appeal or applying for a case to be stated for the opinion of the High Court) or, where such an appeal is duly lodged, until the appeal is finally decided or abandoned.

(3) In the application of this section to Scotland there shall be substituted in subsection (1) for the words from the beginning of the subsection to "any other justice" the words "Where proceedings have been instituted against a person in respect of an offence under the last foregoing section with respect to a work (hereafter in this subsection referred to as 'the relevant work'), the sheriff"; and for the proviso to subsection (2) there shall be substituted the following proviso:—

"Provided that an order made under this subsection shall not take effect until the expiration of the time within which an appeal under section sixty-two of the Summary Jurisdiction (Scotland) Act, 1954, may be taken in respect of the proceedings in which the order was made or, where such an appeal is taken, until the appeal is finally disposed of or abandoned".

4. The importation of—

- (a) any work to which this Act applies; and
- (b) any plate prepared for the purpose of printing copies of any such work and any photographic film prepared for that purpose;

Prohibition of importation of works to which this Act applies and articles for printing them.

is hereby prohibited.

5.—(1) This Act may be cited as the Children and Young Persons (Harmful Publications) Act, 1955.

Short title, interpretation, extent, commencement and duration.

(2) In this Act the expressions "child" and "young person" have the meanings assigned to them respectively by section one hundred and seven of the Children and Young Persons Act, 1933, or, in Scotland, by section one hundred and ten of the Children and Young Persons (Scotland) Act, 1937, the expression "plate" (except where it occurs in the expression "photographic plate") includes block, mould, matrix and stencil and the expression "photographic film" includes photographic plate.

23 & 24 Geo. 5. c. 12.
1 Edw. 8 & 1 Geo. 6. c. 37.

(3) No provision of this Act, other than the provisions of the last foregoing section, shall extend to Northern Ireland.

(4) This Act shall come into operation at the expiration of one month beginning with the date of its passing.

(5) This Act shall continue in force until the thirty-first day of December, nineteen hundred and sixty-five, and shall then expire, unless Parliament otherwise determines, and upon the expiration of this Act, subsection (2) of section thirty-eight of the Interpretation Act, 1889, shall apply as if this Act had then been repealed by another Act.

52 & 53 Vict. c. 63.

CHAPTER 29

An Act to increase the income limit by reference to which persons may be excepted from liability to pay contributions under the National Insurance Acts, 1946 to 1954; to increase the weekly rate of remuneration by reference to which the weekly rate of such contributions payable by certain employed persons and their employers respectively falls to be determined; and for purposes connected with the matters aforesaid.

[6th May, 1955]

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

1.—(1) Subsection (1) of section five of the principal Act (which authorises the making of regulations providing, among other things, for excepting insured persons from liability to pay contributions when their income does not exceed one hundred and

Amendments as to exceptions from liability for contributions.

four pounds a year) shall be amended as from the appointed day by substituting for the words "one hundred and four pounds" the words "one hundred and fifty-six pounds".

(2) In subsection (2) of the said section five (which provides that such regulations as aforesaid shall not provide for excepting a person as aforesaid otherwise than on that person's own application), after the word "application" there shall be inserted the words "but may provide for so excepting a person with effect from any date not earlier than thirteen weeks before the date on which his application was made".

Amendments
as to weekly
rates of
contributions.

2.—(1) In Parts I and II of the First Schedule to the principal Act (which provides, among other things, that the weekly rate of contribution of an employed person aged eighteen years or more shall be higher or, as the case may be, lower, and the weekly rate of contribution of his employer shall be lower or, as the case may be, higher, according as the weekly rate of the remuneration earned by that employed person exceeds or, as the case may be, does not exceed thirty shillings) for the expressions "30s." and "thirty shillings" wherever they occur there shall as from the appointed day, be substituted the expressions "60s." and "sixty shillings" respectively.

(2) In the said Part I, for the words "does not exceed" there shall be substituted the words "neither exceeds nor is deemed in accordance with regulations made under subsection (5) of section seventy-eight of this Act to exceed".

Meaning of
"principal
Act" and
"appointed
day".

9 & 10 Geo. 6.
c. 67.

3. In this Act, the expression "the principal Act" means the National Insurance Act, 1946, as amended by any other statutory provision passed or made before the passing of this Act; and the expression "the appointed day" means such day as the Minister of Pensions and National Insurance may by order made by statutory instrument appoint.

Citation and
extent.

4.—(1) This Act may be cited as the National Insurance Act, 1955.

(2) This Act and the National Insurance Acts, 1946 to 1954, may be cited together as the National Insurance Acts, 1946 to 1955.

(3) Without prejudice to the operation in relation to any matters arising out of this Act of any provision of the National Insurance Act, 1946, relating to Northern Ireland, this Act shall not extend to Northern Ireland.



4 ELIZ. 2

CHAPTER 1

An Act to provide for carrying into effect the Treaty for the re-establishment of an independent and democratic Austria. [6th July, 1955]

WHEREAS a Treaty for the re-establishment of an independent and democratic Austria, copies of which have been laid before each House of Parliament, was signed on behalf of Her Majesty at Vienna on the fifteenth day of May, nineteen hundred and fifty-five, and the said Treaty will come into operation upon the deposit of instruments of ratification in accordance with the provisions of the said Treaty:

And whereas it is expedient that Her Majesty should have power to do all such things as may be proper and expedient for giving effect to the said Treaty:

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

1.—(1) Her Majesty may make such appointments, establish such offices, make such Orders in Council and do such things as appear to Her to be necessary for carrying out the said Treaty, and for giving effect to any of the provisions thereof.

Power of Her Majesty to give effect to Austrian State Treaty.

(2) Any Order in Council made under this section may provide that persons contravening or failing to comply with the provisions of the Order shall be guilty of offences against this section, and (except in so far as any such Order may provide for less penalties) any person guilty of an offence against this section shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or to both such imprisonment and such fine, or on conviction on indictment to a fine not exceeding five hundred pounds or to imprisonment for a term not exceeding two years or to both such imprisonment and such fine.

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

(4) Any Order in Council made under this section may be varied or revoked by a subsequent Order made thereunder.

(5) The expenses of any Minister incurred in carrying out the said Treaty shall be defrayed out of moneys provided by Parliament.

Short title.

2. This Act may be cited as the Austrian State Treaty Act, 1955.

CHAPTER 2

An Act to provide for matters relating to certain tribunals agreed to be set up by conventions with the Federal Republic of Germany and to the enforcement of the customs laws of the Federal Republic in pursuance of those conventions by authorities of Her Majesty's forces.
[6th July, 1955]

WHEREAS certain Conventions were signed at Bonn on the twenty-sixth day of May, nineteen hundred and fifty-two, on behalf of the Governments of the United States of America, the United Kingdom, the French Republic and the Federal Republic of Germany (copies thereof being presented to Parliament in that month):

And whereas those Conventions were amended by a protocol signed at Paris on the twenty-third day of October, nineteen hundred and fifty-four (a copy thereof being presented to Parliament in the ensuing month), and as so amended came into force with that protocol on the fifth day of May, nineteen hundred and fifty-five:

And whereas it is expedient, in order that effect may be given to those Conventions, to provide for certain matters relating to the Arbitration Tribunal and to the Supreme Restitution Court and the Arbitral Commission on Property, Rights and Interests in Germany agreed to be set up by the Convention on Relations between the Three Powers and the Federal Republic and by the Convention on Matters arising out of the War and the Occupation respectively, and for enabling the laws of the Federal Republic as to the importation and exportation of goods to be enforced in certain respects by the authorities of Her Majesty's forces instead of by those of the Federal Republic as agreed by the Convention on the Rights and Obligations of Foreign Forces and their Members in that Republic:

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

- 1.—(1) A person shall not be liable to any legal proceedings in respect of acts performed in the exercise of his official duties—
- (a) as member of the Arbitration Tribunal, the Supreme Restitution Court or the Arbitral Commission;
 - (b) as state counsel appointed to a division of the Supreme Restitution Court under the charter of that court;
 - (c) as court clerk of a division of the Supreme Restitution Court; or
 - (d) as agent, counsel or other representative of a party to proceedings before the Arbitration Tribunal or Arbitral Commission;

Arbitration Tribunal, Supreme Restitution Court and Arbitral Commission (immunities and privileges, etc.).

and a party to proceedings before the Arbitral Commission who appears in person shall not be liable to any legal proceedings in respect of acts performed in the presentation of his case.

(2) The International Organisations (Immunities and Privileges) Act, 1950 (which enables diplomatic privileges to be conferred by Order in Council in order to give effect to international agreements), shall have effect in relation to members of the Arbitration Tribunal or Arbitral Commission, other than citizens of the United Kingdom and colonies, as it has effect in relation to officers of an organisation to which section one of that Act applies holding offices specified under sub-paragraph (ii) of paragraph (b) of subsection (2) of that section.

14 Geo. 6.
c. 14.

(3) For the purposes of the Foreign Tribunals Evidence Act, 19 & 20 Vict. 1856 (which relates to the taking of evidence in the United Kingdom for the purpose of proceedings before a foreign tribunal), the Arbitral Commission, wherever sitting, shall be treated as a tribunal in and of the Federal Republic of Germany, and subsection (4) of section one of the Perjury Act, 1911, and any corresponding enactment for the time being in force in Northern Ireland, shall have effect accordingly.

c. 113.

1 & 2 Geo. 5.
c. 6.

2.—(1) For the purpose of giving effect to the Convention on the Rights and Obligations of Foreign Forces and their Members in the Federal Republic of Germany (as amended by the Paris protocol), the authorities of Her Majesty's forces may be authorised by the Admiralty, Army Council or Air Council to seize or detain any goods in respect of which the laws of the Federal Republic of Germany relating to the importation and exportation of goods are contravened by a person to whom this section applies.

Enforcement of German customs law.

(2) Any goods lawfully seized or detained by virtue of this section shall be forfeited to Her Majesty and may be sold or otherwise disposed of in accordance with any arrangements so authorised.

(3) This section applies—

- (a) to any person who, by reason of his military service relationship, is serving with the armed forces of the three powers or other sending state and is present in the territory of the Federal Republic; and
- (b) to any other person who is in the service of such forces or attached to them and either is stationed in that territory or in Berlin or is present on duty in that territory, but not including a person who is not a national of one of the three powers or of another sending state and has been engaged in the territory of the Federal Republic; and
- (c) to any person who is a spouse or child of a person included in paragraph (a) or (b) of this subsection or who is a close relative supported by a person so included and for whom that person is entitled to receive material assistance from the said forces:

Provided that paragraphs (a) and (b) of this subsection shall not include any person who is a German within the meaning of German law, unless he enlisted or was inducted into, or was employed by, the armed forces of the power or state in question in the territory of that power or state and at that time either had his permanent place of residence there or had been resident there for at least a year.

(4) In this section the expression “the three powers” means the United Kingdom, the United States of America and the French Republic, and the expression “other sending state” has the meaning assigned to it by the Paris protocol by way of amendment of Article 1 of the Convention referred to in subsection (1) of this section.

(5) This section shall be deemed to have had effect as from the coming into force of the said Convention.

Short title.

3. This Act may be cited as the German Conventions Act, 1955.

CHAPTER 3

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March, one thousand nine hundred and fifty-six and to appropriate the supplies granted in this Session of Parliament. [27th July, 1955]

Most Gracious Sovereign,

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

GRANT OUT OF CONSOLIDATED FUND

1. The Treasury may issue out of the Consolidated Fund of the United Kingdom, and apply towards making good the supply granted to Her Majesty for the service of the year ending on the thirty-first day of March, one thousand nine hundred and fifty-six, the sum of thirty-five million, nine hundred and seventy-four thousand, six hundred and seventy-two pounds. Issue of £35,974,672 out of the Consolidated Fund for the service of the year ending 31st March, 1956.
- 2.—(1) The Treasury may borrow from any person, by the issue of Treasury Bills or otherwise, and the Bank of England and the Bank of Ireland may advance to the Treasury on the credit of the said sum, any sum or sums not exceeding in the whole thirty-five million, nine hundred and seventy-four thousand, six hundred and seventy-two pounds. Power for the Treasury to borrow.
- (2) The date of payment of any Treasury Bills issued under this section shall be a date not later than the thirty-first day of March, one thousand nine hundred and fifty-six, and section six of the Treasury Bills Act, 1877 (which relates to the renewal of bills) shall not apply with respect to those bills. 40 & 41 Vict. c. 2.
- (3) Any money borrowed otherwise than on Treasury Bills shall be repaid, with interest not exceeding three pounds per cent. per annum, out of the Consolidated Fund, at any period not later than the next succeeding quarter to that in which the money was borrowed.

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

APPROPRIATION OF GRANTS

Appropriation of sums voted for supply services.

3. The sum granted by this Act out of the said Consolidated Fund towards making good the supply granted to Her Majesty amounting, as appears by Schedule (A) annexed to this Act, to thirty-five million, nine hundred and seventy-four thousand, six hundred and seventy-two pounds, is appropriated for the services and purposes expressed in Schedule (B) annexed hereto.

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

54 & 55 Vict.
c. 24.

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

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

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

(2) A statement showing all cases in which the sanction of the Treasury has been given to the temporary application of a surplus under this section, and showing the circumstances under which the sanction of the Treasury has been given, shall be laid before the House of Commons with the appropriation accounts of the

Navy, Army, and Air Services for the year, in order that any temporary application of any surplus sanctioned by the Treasury under this section may be submitted for the sanction of Parliament.

5. Whereas under the powers given for the purpose by the Appropriation Acts, 1953 and 1954, surpluses arising on certain votes for Navy, Army and Air Services have been applied towards making good deficits on those services respectively as shown in the statements set out in Schedule (C) to this Act:

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

Sanction for application of surpluses on certain Navy, Army and Air Votes for 1953-54.
1 & 2 Eliz. 2. c. 35.
2 & 3 Eliz. 2. c. 45.

6.—(1) A person shall not receive any payment out of a grant which may be made in pursuance of this Act for half-pay or Navy, Army, Air, or Civil non-effective services, until he has subscribed such declaration as may from time to time be prescribed by a warrant of the Treasury before one of the persons prescribed by the warrant:

Declaration required in certain cases before receipt of sums appropriated.

Provided that the Treasury may dispense with the production of a declaration under this section in respect of any payment if either—

- (a) such a declaration has been subscribed within a period of twelve calendar months preceding the date of the payment, or such longer period as the Treasury may in any particular case or class of cases allow; or
- (b) the payment is made through a banker who has entered into an undertaking in such form as may be approved by the Treasury with respect to the notification of circumstances coming to the knowledge of the banker which might affect the right to such payments of the person to whom the payment is made.

(2) Any person who makes a declaration for the purpose of this section knowing the same to be untrue in any material particular shall be guilty of a misdemeanour.

7. This Act may be cited for all purposes as the Appropriation Short title. (No. 2) Act, 1955.

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

SCHEDULE (A)

Section 3.

	£	s.	d.
Grant out of the Consolidated Fund	35,974,672	0	0

Section 3.

SCHEDULE (B).—APPROPRIATION OF GRANTS

	Sums not exceeding					
	Supply Grants			Appropriations in Aid		
	£	s.	d.	£	s.	d.
Part 1. 1955-56 Navy (Supplement- ary), 1955-56 ...	80	0	0	399,920	0	0
Part 2. Army (Supplement- ary), 1955-56 ...	70	0	0	55,219,930	0	0
Part 3. Air (Supplement- ary), 1955-56 ...	60	0	0	7,479,940	0	0
Part 4. Civil (Supplement- ary), 1955-56 ...	35,974,462	0	0	267,158,735	0	0
GRAND TOTAL...	35,974,672	0	0	330,258,525	0	0

SCHED. (A).

SCHEDULE (A)

GRANT OUT OF THE CONSOLIDATED FUND

	£	s.	d.
For the service of the year ending on the 31st day of March, 1956—			
Under this Act 	35,974,672	0	0

SCHED. (B).
PART I.
Navy
(Supplementary),
1955-56.

SCHEDULE (B).—PART 1

NAVY (SUPPLEMENTARY), 1955-56

SCHEDULE OF SUPPLEMENTARY SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to meet expenditure beyond the sum already provided in the grants for Navy Services for the year ending on the 31st day of March 1956, viz.:—

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
2. Victualling and Clothing for the Navy	10	90
3. Medical Establishments and Services -	10	990
4. Civilians employed on Fleet Services -	10	206,990
5. Educational Services - - - -	10	890
8. Shipbuilding, Repairs, Maintenance, &c.—		
Section II—Matériel - - -	10	45,990
Section III—Contract Work- -	10	84,990
10. Works, Buildings and Repairs at Home and Abroad - - - -	10	56,990
11. Miscellaneous Effective Services- -	10	2,990
TOTAL, NAVY (SUPPLEMENTARY), 1955-56	80	399,920

SCHED. (B).
PART 2.
Army
(Supplementary),
1955-56.

SCHEDULE (B).—PART 2

ARMY (SUPPLEMENTARY), 1955-56

SCHEDULE OF SUPPLEMENTARY SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to meet expenditure beyond the sum already provided in the grants for Army Services for the year ending on the 31st day of March 1956, viz.:—

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
3. War Office- - - - -	10	19,990
4. Civilians - - - - -	10	30,689,990
5. Movements - - - - -	10	5,399,990
6. Supplies, &c. - - - - -	10	7,959,990
7. Stores - - - - -	10	1,689,990
8. Works, Buildings and Lands - -	10	6,909,990
9. Miscellaneous Effective Services- -	10	2,549,990
TOTAL, ARMY (SUPPLEMENTARY), 1955-56	70	55,219,930

SCHED. (B).
PART 3.
Air
(Supplementary),
1955-56.

SCHEDULE (B).—PART 3

AIR (SUPPLEMENTARY), 1955-56

SCHEDULE OF SUPPLEMENTARY SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to meet expenditure beyond the sum already provided in the grants for Air Services for the year ending on the 31st day of March 1956, including a further grant in aid to the Royal Society, viz.:-

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
4. Civilians at Outstations - - -	10	4,390,990
5. Movements - - - - -	10	29,990
6. Supplies - - - - -	10	49,990
7. Aircraft and Stores - - - -	10	499,990
8. Works and Lands - - - -	10	2,499,990
9. Miscellaneous Effective Services-	10	8,990
TOTAL, AIR (SUPPLEMENTARY), 1955-56	60	7,479,940

SCHED. (B).
PART 4.
Civil
(Supplementary),
1955-56.

SCHEDULE (B).—PART 4

CIVIL (SUPPLEMENTARY), 1955-56

SCHEDULE OF SUPPLEMENTARY SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges for the Services herein particularly mentioned for the year ending on the 31st day of March 1956, viz. :—

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
CIVIL		
CLASS I		
Vote		
23. For a grant in aid of the Lord Mayor's National Flood and Tempest Distress Fund and other Funds - - -	150,000	—
24A. For repayment to the Civil Contingencies Fund of certain miscellaneous advances - - - - -	63,271	—
CLASS II		
2. For sundry grants and services connected with Her Majesty's Foreign Service, including subscriptions to international organisations and grants in aid - - - - -	10,350,010	—
6. For sundry Commonwealth services, including subscriptions to certain international organisations and certain grants in aid; the salaries and expenses of Pensions Appeal Tribunals in the Republic of Ireland; a grant to the Republic of Ireland in respect of compensation to transferred officers; and certain expenditure in connection with former Burma services - - - - -	6,395,471	500
9. For sundry Colonial Services, including subscriptions to certain international organisations and grants in aid; and certain expenditure in connection with the liabilities of the former Government of Palestine - - -	805,000	—
Carried forward - - -	17,763,752	500

SCHED. (B).
PART 4.
Civil
(Supplemen-
tary),
1955-56.

SCHEDULE (B).—PART 4—*continued*

CIVIL— <i>continued</i>		Supply Grants	Appropriations in Aid
		£	£
Brought forward - - -		17,763,752	500
CLASS IV			
Vote			
1.	For the salaries and expenses of the Ministry of Education, and of the various establishments connected therewith, including sundry grants in aid, a subscription to an international organisation, grants in connection with physical training and recreation, and grants to approved associations for youth welfare - - - -	9,000	—
15.	For the salaries and expenses of the National Gallery, Scotland, and the Scottish National Portrait Gallery, including certain grants in aid - -	25,000	—
CLASS V			
4.	For the salaries and expenses of the Ministry of Health and the Board of Control; expenditure on the Polish health services; measures for civil defence; port health administration; residential accommodation for the aged, infirm, &c.; purchases on repayment for other Government Departments; expenses in connection with welfare food services and food hygiene; and sundry other services, including a subscription to the World Health Organisation -	2,295,000	12,844,500
5.	For the provision of a comprehensive health service for England and Wales and other services connected therewith, including medical services for pensioners, &c., disabled as a result of war, or of service in the Armed Forces after 2nd September 1939, the treatment abroad of respiratory tuberculosis, certain training arrangements, the purchase of appliances, equipment, stores, &c., necessary for the services, and certain expenses in connection with civil defence - -	3,007,000	193,000
Carried forward - - -		23,099,752	13,038,000

SCHEDULE (B).—PART 4—continued

SCHED. (B).
PART 4.
Civil
(Supplemen-
tary),
1955-56.

CIVIL—continued		Supply Grants	Appropriations in Aid
		£	£
Brought forward - - -		23,099,752	13,038,000
CLASS V—continued			
Vote	6. For a grant in aid of the Medical Research Council, and for a grant to the Council in respect of research schemes under Conditional Aid arrangements - - - -	82,300	—
10.	For the salaries and expenses of the Department of Health for Scotland and the General Board of Control for Scotland; for grants and other expenses in connection with water and sewerage services, town and country planning and the creation of new towns; expenses in connection with welfare food services and food hygiene; and certain expenses in connection with civil defence and other services - - - -	694,990	3,760,760
11.	For the provision of a comprehensive health service for Scotland and other services connected therewith, including medical services for pensioners, &c., disabled as a result of war, or of service in the Armed Forces after 2nd September 1939, the treatment abroad of respiratory tuberculosis, certain training arrangements, the purchase of appliances, equipment, stores, &c., necessary for the services, certain expenses in connection with civil defence, and sundry other services - - - -	338,500	22,350
CLASS VI			
1.	For the salaries and expenses of the office of the Committee of Privy Council for Trade and subordinate departments, including the Monopolies and Restrictive Practices Commission - - - -	172,000	—
Carried forward - - -		24,387,542	16,821,110

SCHED. (B).
PART 4.
Civil
(Supplementary),
1955-56.

SCHEDULE (B).—PART 4—continued

<i>CIVIL—continued</i>		Supply Grants	Appropriations in Aid
		£	£
Brought forward - - -		24,387,542	16,821,110
<i>CLASS VI—continued</i>			
Vote	2. For the expenditure of the Board of Trade on assistance and subsidies to certain industries, and on trading and other services; including subscriptions to international organisations and grants in aid - - -	404,000	105,500
<i>CLASS VII</i>			
	3. For expenditure in respect of sundry public buildings in the United Kingdom, including a grant in aid, and sundry other services - - -	30,000	—
<i>CLASS VIII</i>			
	1. For the salaries and expenses of the Ministry of Agriculture and Fisheries, the Ministry of Food, and the Ministry of Agriculture, Fisheries and Food; of County Agricultural Executive Committees; of the Agricultural Land Commission; of the Royal Botanic Gardens, Kew; and of the White Fish Authority and the Scottish Committee thereof - -	10	4,698,065
	2. For the Ministry of Agriculture and Fisheries, the Ministry of Food and the Ministry of Agriculture, Fisheries and Food for grants and subsidies to farmers and others for the encouragement of food production and the improvement of agriculture; and for certain direct subsidy payments and certain trading and other services, including payments and services in implementation of agricultural price guarantees - - -	9,589,010	234,825,010
Carried forward - - -		34,410,562	256,449,685

SCHEDULE (B).—PART 4—*continued*SCHED. (B).
PART 4.
Civil
(Supplemen-
tary),
1955-56.

CIVIL— <i>continued</i>	Supply Grants	Appropriations in Aid
	£	£
Brought forward - - -	34,410,562	256,449,685
CLASS VIII— <i>continued</i>		
Vote 3. For the Ministry of Agriculture and Fisheries, the Ministry of Food and the Ministry of Agriculture, Fisheries and Food, for grants, grants in aid and expenses in connection with agricultural and food services; including land drainage and rehabilitation of land damaged by flood and tempest; purchase, development and management of land, including land settlement and provision of smallholdings; services in connection with livestock, and compensation for slaughter of diseased animals; provision and operation of machinery; training and supplementary labour schemes; control of pests; education, research and advisory services; marketing; agricultural credits; certain trading services; subscriptions to international organisations; and sundry other services including certain expenses in connection with civil defence - - - - -	10	1,485,400
10. For the salaries and expenses of the Ministry of Food; for the cost of trading services, including certain subsidies; for direct subsidy payments, including certain payments under agricultural price guarantees; for subscriptions to certain international organisations; and for sundry other services, including certain expenses in connection with civil defence and payments to certain other Votes - - - - -	10	*—169,950
Carried forward - - -	34,410,582	257,765,135

* Deficit.

SCHED. (B).
PART 4.
Civil
(Supplementary),
1955-56.

SCHEDULE (B).—PART 4—*continued*

CIVIL— <i>continued</i>		Supply Grants	Appropriations in Aid
		£	£
Brought forward - - -		34,410,582	257,765,135
CLASS VIII— <i>continued</i>			
Vote 12.	For the salaries and expenses of the Department of Agriculture for Scotland and the Crofters Commission: for grants and subsidies, including certain payments under agricultural price guarantees, to farmers and others for the encouragement of food production and the improvement of agriculture: and for grants, grants in aid and expenses in connection with services to agriculture; including land drainage and flood services; purchase, improvement and management of land; land settlement; public works in the congested districts; services in connection with livestock and compensation for slaughter of diseased animals; provision and operation of machinery; training and labour schemes; control of pests; agricultural education, research and advisory services; marketing; and agricultural credits - - - - -	1,563,870	8,093,600
CLASS IX			
6.	For the supply, storage and distribution of petroleum products and certain other special services of the Ministry of Fuel and Power, including expenditure on civil defence and payments to recipients agreed with the United States Government of the sterling counterpart of dollars provided for the import of American coal - - - - -	10	1,300,000
TOTAL, CIVIL (SUPPLEMENTARY), 1955-56		35,974,462	267,158,735

SCHEDULE (C).—PART I

Navy Services, 1953-54, Votes	DEFICITS				SURPLUSES			
	Excesses of actual over estimated gross Expenditure		Deficiencies of actual as compared with estimated Receipts		Surpluses of estimated over actual gross Expenditure		Surpluses of actual as compared with estimated Receipts	
	£	s. d.	£	s. d.	£	s. d.	£	s. d.
1. Pay, &c., of the Royal Navy and Royal Marines	229,854	17 2	—	—	—	—	159,106	15 9
2. Victualling and Cloth- ing for the Navy ...	—	—	1,830,344	11 9	3,353,342	17 10	—	—
3. Medical Establish- ments and Services	5,733	9 5	—	—	—	—	5,543	2 3
4. Civilians employed on Fleet Services ...	—	—	20,654	8 8	163,461	10 11	—	—
5. Educational Services	—	—	—	—	54,834	16 8	20,316	13 10
6. Scientific Services ...	190,696	1 5	—	—	—	—	93,029	13 5
7. Royal Naval Reserves	—	—	—	—	137,430	5 8	1,459	8 4
8. Shipbuilding, Repairs, Maintenance, &c.: Section I—Personnel	—	—	—	—	344,378	6 3	132,664	13 1
Section II—Matériel	—	—	3,026,427	14 4	3,590,490	8 11	—	—
Section III—Contract Work	—	—	1,315,689	2 7	3,086,927	7 10	—	—
9. Naval Armaments ...	—	—	1,607,590	7 11	1,709,733	18 10	—	—
10. Works, Buildings and Repairs at Home and Abroad ...	—	—	—	—	2,256,969	6 8	23,211	5 7
11. Miscellaneous Effec- tive Services ...	—	—	—	—	175,843	15 2	390,401	7 10
12. Admiralty Office ...	119,866	0 4	—	—	—	—	15,678	16 11
13. Non-Effective Services	—	—	—	—	15,861	18 10	121,411	13 8
14. Merchant Shipbuild- ing and Repair ...	—	—	—	—	3,940	18 3	1,609	14 1
15. Additional Married Quarters	—	—	1,473,000	0 0	157,749	0 8	—	—
Balances Irrecoverable and Claims Abandoned	7,552	18 1	—	—	—	—	—	—
	553,703	6 5	9,273,706	5 3	15,050,964	12 6	964,433	4 9
	£9,827,409 11s. 8d.				£16,015,397 17s. 3d.			
	Net Surplus £6,187,988 5s. 7d.							

SCHED. (C).
PART II.
Army Services.
1953-54.

Section 5.

SCHEDULE (C).—PART II

Army Services, 1953-54, Votes	DEFICITS				SURPLUSES			
	Excesses of actual over estimated gross Expenditure		Deficiencies of actual as compared with estimated Receipts		Surpluses of estimated over actual gross Expenditure		Surpluses of actual as compared with estimated Receipts	
	£	s. d.	£	s. d.	£	s. d.	£	s. d.
1. Pay, &c., of the Army	—		593,560	16 6	6,017,889	7 3	—	
2. Reserve Forces, Terri- torial Army, Home Guard and Cadet Forces	—		—		1,100,474	14 6	54,666	2 6
3. War Office	131,376	5 8	2,215	14 0	—		—	
4. Civilians	—		—		4,019,106	5 1	116,176	12 10
5. Movements	—		—		593,919	12 0	416,413	2 6
6. Supplies, &c.	—		—		3,240,250	13 8	1,938,502	9 8
7. Stores	—		—		20,392,414	0 0	1,081,552	4 6
8. Works, Buildings and Lands	—		—		6,799,059	5 1	942,819	6 9
9. Miscellaneous Effec- tive Services	—		—		384,432	9 6	1,191,991	2 10
10. Non-Effective Services	582,562	3 8	18,106	1 8	—		—	
11. Additional Married Quarters	—		5,500,000	0 0	1,360,885	17 5	—	
Balances Irrecoverable and Claims Abandoned	155,682	2 3	—		—		—	
	869,620	11 7	6,113,882	12 2	43,908,432	4 6	5,742,121	1 7
	£6,983,503 3s. 9d.				£49,650,553 6s. 1d.			
	Net Surplus £42,667,050 2s. 4d.							

SCHED. (C).
PART III.
Air Services.
1953-54.

SCHEDULE (C).—PART III

Section 5.

Air Services, 1953-54, Votes	DEFICITS				SURPLUSES			
	Excesses of actual over estimated gross Expenditure		Deficiencies of actual as compared with estimated Receipts		Surpluses of estimated over actual gross Expenditure		Surpluses of actual as compared with estimated Receipts	
	£	s. d.	£	s. d.	£	s. d.	£	s. d.
1. Pay, &c., of the Air Force	36,698	16 4	—	—	—	—	473,680	17 1
2. Reserve and Auxiliary Services	55,516	18 3	—	—	—	—	725	5 8
3. Air Ministry ...	94,969	19 8	6,131	4 8	—	—	—	—
4. Civilians at Out- stations	—	—	436,288	0 2	89,929	6 10	—	—
5. Movements	—	—	—	—	495,998	14 6	470,484	13 1
6. Supplies	—	—	—	—	9,334,454	1 2	483,841	5 2
7. Aircraft and Stores...	—	—	3,473,743	15 4	45,768,457	15 11	—	—
8. Works and Lands ...	—	—	1,127,513	10 2	26,380,752	2 5	—	—
9. Miscellaneous Effec- tive Services ...	—	—	—	—	1,441,302	15 7	71,622	11 2
10. Non-effective Services	96,243	10 4	—	—	—	—	95,327	18 9
Balances Irrecoverable and Claims Abandoned	18,621	15 6	—	—	—	—	—	—
	302,051	0 1	5,043,676	10 4	83,510,894	16 5	1,595,682	10 11
	£5,345,727		10s. 5d.		£85,106,577		7s. 4d.	
	Net Surplus £79,760,849 16s. 11d.							

CHAPTER 4

An Act to confer certain immunities and privileges on the representatives in the United Kingdom of the High Authority of the European Coal and Steel Community and their staffs, and the family of the chief representative of that Authority. [27th July, 1955]

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

**Immunities
and privileges.**

1.—(1) Subject to the provisions of this section, the chief representative in the United Kingdom of the High Authority of the European Coal and Steel Community (in this section referred to as "the Chief Representative"), and his family, shall be entitled—

- (a) to the like immunity from suit and legal process;
- (b) to the like inviolability of official residence, official premises and official archives; and
- (c) to the like exemption or relief from rates on official premises, and from taxes,

as are accorded respectively to the envoy of a foreign sovereign power accredited to Her Majesty and to the family of such an envoy.

(2) Subject to the provisions of this section, members of the official staff of the Chief Representative, persons representing the said High Authority at meetings in the United Kingdom of the Council of Association between Her Majesty's Government in the United Kingdom and the said High Authority, or of committees of that Council, and the alternates and members of the official staffs of such persons, shall be entitled—

- (a) to the like immunity from suit and legal process in respect of things done or omitted to be done in the course of the performance of their official duties; and
- (b) to the like exemption from income tax in respect of their official emoluments,

as are accorded to members of the official staff of such an envoy as aforesaid; and members of the official staff of the Chief Representative who are recognised by Her Majesty's Government as holding a rank equivalent to that of Attaché on the staff of such an envoy, or any higher rank, shall in addition be entitled to such other exemption or relief from taxes as is accorded to members of the official staff of such an envoy holding equivalent rank.

(3) The foregoing provisions of this section, except so much of subsection (2) as provides for immunity from suit and legal process, shall not apply to any person being a citizen of the United Kingdom and Colonies; and nothing in the said subsection (2) shall be construed as conferring any immunity or privilege upon members of the family of a person to whom that subsection applies.

(4) The Chief Representative may waive any immunity, privilege, exemption or relief conferred by this section on himself or on any other person.

(5) If in any proceedings any question arises whether or not any person is entitled to any immunity, privilege, exemption or relief under this section, a certificate issued by or under the authority of the Secretary of State stating any fact relevant to that question shall be conclusive evidence of that fact.

2. This Act may be cited as the European Coal and Steel Community Act, 1955, and shall come into operation on such date as Her Majesty may by Order in Council appoint.

Short title
and
commence-
ment.

CHAPTER 5

An Act to enable effect to be given to an international agreement for the establishment and operation of an International Finance Corporation, and for purposes connected therewith. [27th July, 1955]

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

1. In this Act "the Agreement" means any agreement which may be signed and accepted on behalf of Her Majesty's Government in the United Kingdom in pursuance of Articles approved on the eleventh day of April, nineteen hundred and fifty-five by the executive directors of the International Bank for Reconstruction and Development and providing for the establishment and operation of an international body to be called the International Finance Corporation (copies of which Articles, and of an explanatory memorandum approved as aforesaid, were laid before Parliament by command of Her Majesty on the sixteenth day of June, nineteen hundred and fifty-five); and "the Corporation" means the International Finance Corporation established by the Agreement.

The
Agreement
and the
Corporation.

**Financial
provisions.**

2.—(1) There shall be paid out of the Consolidated Fund of the United Kingdom all sums required for the purpose of making payments on behalf of Her Majesty's said Government under paragraph (a) of section 3 of Article II of the Agreement (which provides for the subscription of shares of stock of the Corporation by the original members).

2 & 3 Geo. 6.
c. 117.

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

(3) Any sums received by Her Majesty's said Government from the Corporation in pursuance of the Agreement shall be paid into the Exchequer of the United Kingdom; and the sums so paid into the Exchequer shall be issued out of the Consolidated Fund of the United Kingdom at such times as the Treasury may direct, and shall be applied by the Treasury as follows, that is to say,—

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

**Other
matters.**
14 Geo. 6.
c. 14.

3.—(1) Without prejudice to the powers conferred by section one of the International Organisations (Immunities and Privileges) Act, 1950, Her Majesty may by Order in Council make such provision as She may consider reasonably necessary for carrying into effect any of the provisions of the Agreement relating to the status, immunities and privileges of the Corporation and its governors, directors, alternates, officers and employees.

(2) An Order in Council under this section may be made so as to extend to any part of Her Majesty's dominions (other than Canada, Australia, New Zealand, the Union of South Africa, Pakistan and Ceylon, and any territory administered by the Government of any of those countries) and, to the extent that Her Majesty has jurisdiction therein, to any other territory for whose foreign relations Her Government in the United Kingdom is responsible :

Provided that if, whether before or after the passing of this Act, effect is given by or under the law of any such part of Her Majesty's dominions or other territory to the said provisions of

the Agreement, no Order in Council made under this section shall extend to that part of Her Majesty's dominions or other territory in respect of any period for which effect is so given to the said provisions.

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

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

4. This Act may be cited as the International Finance Corporation Act, 1955.

CHAPTER 6

Miscellaneous Financial Provisions Act, 1955

ARRANGEMENT OF SECTIONS

Section

1. The Civil Contingencies Fund.
2. Loans for implementing potato price schemes.
3. Loans to the Government of Northern Ireland.
4. Winding up of Road Fund.
5. Unclaimed dividends etc. on Government stock.
6. Short title.

SCHEDULES:

First Schedule—Amendments consequent on winding up of Road Fund.

Second Schedule—Enactments repealed.

An Act to make further provision with respect to the Civil Contingencies Fund, to authorise the making of loans for the purpose of implementing potato price schemes and an increase in the loans which may be made to the Government of Northern Ireland, to wind up the Road Fund and to make provision with respect to unclaimed Government stock and other unclaimed rights. [27th July, 1955]

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

1.—(1) Section three of the Miscellaneous Financial Provisions Act, 1946 (which authorises an increase in the Civil Contingencies Fund), shall be amended as follows. The Civil Contingencies Fund.

(2) So much of paragraph (a) of the proviso to subsection (1) of the said section three as directs that any sums issued under that section to the said Fund shall be repaid by a specified date (which date is, under the Civil Contingencies Fund Act, 1952, as extended by the Expiring Laws Continuance Act, 1954, the thirty-first day of December, nineteen hundred and fifty-five) shall cease to have effect.

(3) The capital of the said Fund (including the permanent capital of one million five hundred thousand pounds) shall not exceed seventy-five million pounds or such lower amount as the Treasury may by order direct and accordingly paragraph (b) of the said proviso (which, as amended by section one of the Miscellaneous Financial Provisions Act, 1950, provides that the capital of the said Fund shall not be increased under the said section three by more than one hundred and twenty-five million pounds) shall have effect as if for the reference to that sum there were substituted a reference to a sum which, when added to the said permanent capital of one million, five hundred thousand pounds, equals the limit for the time being imposed by this subsection.

An order of the Treasury under this subsection may be varied by a subsequent order and any such order shall be contained in a statutory instrument which shall be subject to annulment in pursuance of a resolution of the Commons House of Parliament.

(4) The enactments specified in Part I of the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

Loans for
implementing
potato price
schemes.

2.—(1) The Treasury may for the purpose of providing moneys required to implement any scheme made under section four of the Agriculture Act, 1947, for guaranteeing prices or assuring markets to potato growers in any part of the United Kingdom make advances to the Minister of Agriculture, Fisheries and Food out of the Consolidated Fund of any sum or sums required to enable him, on such terms and conditions as he may with the consent of the Treasury prescribe, to make loans to the Potato Marketing Board or such other body as may have been charged with duties under the scheme:

Provided that the aggregate amount of the principal outstanding in respect of any advances made out of the Consolidated Fund under this subsection shall not at any time exceed thirty million pounds.

(2) For the purpose of providing sums to be advanced out of the Consolidated Fund under the foregoing subsection, or for providing for the replacement of sums so issued, the Treasury may at any time, if they think fit, raise money in any manner in

which they are authorised to raise money under the National Loans Act, 1939, and any securities created and issued to raise money under this subsection shall be deemed for all purposes to have been created and issued under that Act.

(3) Any sums advanced out of the Consolidated Fund under subsection (1) of this section shall be repaid to the Exchequer at such times as the Treasury may determine, and the interest paid on the loans made by the Minister under that subsection shall also be paid into the Exchequer at such times as the Treasury may direct.

(4) Sums paid into the Exchequer under the last foregoing subsection shall be issued out of the Consolidated Fund at such times as the Treasury may direct and shall be applied by the Treasury as follows:—

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

(5) The Minister of Agriculture, Fisheries and Food shall, as respects each financial year, prepare, in such form and manner as the Treasury may direct, an account of sums advanced to him out of the Consolidated Fund under this section and of sums received by him and paid into the Exchequer thereunder.

(6) Any account prepared under the foregoing subsection shall, on or before the thirtieth day of November next following the expiration of the financial year in question, be submitted to the Comptroller and Auditor General, who shall examine and certify the account and lay copies thereof, together with his report thereon, before each House of Parliament.

3. In the proviso to subsection (1) of section two of the *Miscellaneous Financial Provisions Act, 1950* (which restricts the total principal amount outstanding in respect of advances to the Government of Northern Ireland under that section to fifteen million pounds), for the words "fifteen million pounds" there shall be substituted the words "thirty million pounds".

4.—(1) The Road Fund shall be wound up as from the first day of April, nineteen hundred and fifty-six, and all sums then standing to the account of the Fund shall be paid into the Exchequer.

(2) After the winding up of the Road Fund any expenditure incurred by the Minister of Transport and Civil Aviation which

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would otherwise have been defrayed out of the Road Fund shall be defrayed out of moneys provided by Parliament and—

- (a) any reference in any enactment to the making of payments out of the Road Fund shall be taken as a reference to the making of payments out of moneys provided by Parliament;
- (b) any reference in any enactment to the making of payments into the Road Fund shall be taken as a reference to the making of payments into the Exchequer.

(3) The account prepared under subsection (5) of section three of the Roads Act, 1920, in relation to the financial year ending with the thirty-first day of March, nineteen hundred and fifty-six, shall include a statement of the sums paid into the Exchequer under subsection (1) of this section.

(4) On the winding up of the Road Fund the consequential amendments specified in the First Schedule to this Act shall take effect, and the enactments specified in Part II of the Second Schedule to this Act shall be repealed to the extent specified in the third column of that Schedule.

Unclaimed
dividends
etc. on
Government
stock.

5.—(1) After the coming into force of this section, no transfer of unclaimed stock or payment of unclaimed dividends or redemption moneys shall be made by the Bank to the National Debt Commissioners under Part VII of the National Debt Act, 1870, or paragraph 6 of the Third Schedule to the Finance Act, 1921.

(2) The Bank shall from time to time pay to the National Debt Commissioners sums equal to the aggregate amount of all moneys due on Government stock which having been entrusted to the Bank for payment are unclaimed, other than moneys in respect of which a payment has already been made to the Commissioners under this subsection or under any earlier enactment relating to unclaimed dividends or redemption moneys on Government stock.

(3) For the purposes of the last foregoing subsection any moneys due on Government stock and not claimed by the person entitled shall be deemed to be unclaimed if a period of five years, or in the case of redemption moneys two years, has elapsed since the due date, but the Bank may treat any such moneys as unclaimed before the expiration of that period.

(4) Where the Bank make a payment under subsection (2) of this section in respect of any moneys due on Government stock, and afterwards pay those moneys to the person entitled, the amount paid to the National Debt Commissioners in respect of those moneys shall be repaid by them to the Bank.

(5) Any sums paid to the National Debt Commissioners under this section otherwise than in respect of unclaimed redemption moneys shall be placed to their account of unclaimed dividends, and any repayment by them to the Bank under subsection (4) of this section otherwise than in respect of redemption moneys shall be made out of that account.

(6) Any sums paid to the National Debt Commissioners under this section in respect of unclaimed redemption moneys shall be invested by them in the purchase of such Government stock as the Treasury may from time to time direct, and the investments shall be placed to the Commissioners' account of unclaimed redemption moneys with the investments made by virtue of paragraph 6 of the Third Schedule to the Finance Act, 1921.

(7) The dividends received by the National Debt Commissioners on the investments of their account of unclaimed redemption moneys shall be placed to their account of unclaimed dividends, and any repayment by the Commissioners in respect of redemption moneys whether under subsection (4) of this section or otherwise shall be made out of those investments or, if they are insufficient, out of the account of unclaimed dividends.

(8) The Treasury may from time to time empower the Bank to investigate the circumstances of any sums due on Government stock and not claimed with a view to ascertaining the persons entitled, and may allow the Bank such compensation as the Treasury think just for the Bank's trouble and expense in that behalf; and any such compensation shall be paid by the National Debt Commissioners out of their account of unclaimed dividends.

(9) If at any time the National Debt Commissioners certify to the Treasury that the sums standing to the credit of the Commissioners' account of unclaimed dividends are not sufficient to meet the payments to be made out of that account, the amounts needed to meet those payments shall be issued out of the Consolidated Fund; but where at the end of any financial year the sums standing to the credit of the account exceed one hundred thousand pounds or such other figure as the Treasury may from time to time determine, the excess shall be applied in such manner as the Treasury may direct towards the redemption of the National Debt.

(10) In the foregoing provisions of this section—

- (a) the expression "the Bank" means the Bank of England, except in relation to stock entered in the books of the Bank of Ireland and to moneys due on any such stock, and in relation to stock so entered and moneys due thereon means the Bank of Ireland;
- (b) the expression "Government stock" has the same meaning as in the Savings Banks Act, 1893.

(11) Subsections (2) to (6) of this section shall not apply to stock entered in the books of the Bank of Ireland kept in the office of their Accountant-General at Dublin or moneys due on any such stock, and, subject to subsection (7) of this section, Part VII of the National Debt Act, 1870, (except sections sixty-three and sixty-five) and paragraph 6 of the Third Schedule to the Finance Act, 1921, shall continue to apply thereto.

(12) In subsection (3) of section one of the War Loan (Supplemental Provisions) Act, 1915 (which, among other things, enables regulations under that section to provide for the application with modifications of any provisions of the National Debt Act, 1870, to stock or securities inscribed or registered in the post office register), the reference to the National Debt Act, 1870, shall include a reference to subsections (1) to (6) of this section; but until the coming into force of regulations made by virtue of this subsection, nothing in this section except subsection (7) shall affect the operation in relation to any such stock or securities of paragraph 6 of the Third Schedule to the Finance Act, 1921, or of any regulations in force at the passing of this Act under the said Act of 1915.

(13) Subsections (2) to (5) of this section shall apply to annuities for years to which Part I of the Government Annuities Act, 1929, applies, as they apply to Government stock.

(14) Except in so far as the contrary intention appears, references in this section to any previous enactment shall be construed as references to that enactment as amended or applied by or under any other enactment.

(15) Subject to subsections (11) and (12) of this section, the enactments specified in Part III of the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

Short title.

6. This Act may be cited as the Miscellaneous Financial Provisions Act, 1955.

SCHEDULES

FIRST SCHEDULE

Section 4.

AMENDMENTS CONSEQUENT ON WINDING UP OF ROAD FUND

The Roads Act, 1920
(10 & 11 Geo. 5. c. 72)

In subsection (4) of section three, for the words " the Road Fund " there shall be substituted the words " moneys provided by Parliament ".

The London Traffic Act, 1924
(14 & 15 Geo. 5. c. 34)

In section fifteen the words from " (including " to " proper) " shall be omitted and for the words " the Road Fund " there shall be substituted the words " moneys provided by Parliament ".

The Road Traffic Act, 1930
(20 & 21 Geo. 5. c. 43)

1. For subsection (1) of section fifty-seven there shall be substituted the following subsection:—

" (1) It is hereby declared that in relation to any roads for the maintenance of which he is responsible, the Minister is a highway authority for the purposes of Part II of the Development and Road Improvement Funds Act, 1909, and accordingly, his power to make advances under the said Part II is, in relation to such roads, a power conferred on the Minister to expend money for the purposes for which in the case of other roads he may make advances."

2. In the remaining provisions of the said section fifty-seven for the words " the Road Fund " wherever they occur there shall be substituted the words " moneys provided by Parliament ".

3. In subsection (2) of section eighty-six for the words " the Road Fund " there shall be substituted the words " the Exchequer ".

4. In sub-paragraph (2) of paragraph 14 of the Fourth Schedule for the words " the Road Fund " there shall be substituted the words " moneys provided by Parliament ".

The Road and Rail Traffic Act, 1933
(23 & 24 Geo. 5. c. 53)

In subsection (2) of section twenty-four for the words " the Road Fund " there shall be substituted the words " the Exchequer ".

The Road Traffic Act, 1934
(24 & 25 Geo. 5. c. 50)

1. In subsection (3) of section thirty-one for the words " the Road Fund " there shall be substituted the words " the Exchequer ".

2. In subsection (3) of section thirty-eight for the words " the Road Fund " there shall be substituted the words " moneys provided by Parliament ".

The New Forest Act, 1949
(12, 13 & 14 Geo. 6. c. 69)

In subsection (10) of section sixteen for the words " the Road Fund " there shall be substituted the words " moneys provided by Parliament ".

Sections 1, 4, 5.

SECOND SCHEDULE

ENACTMENTS REPEALED

PART I

CIVIL CONTINGENCIES FUND

Session and Chapter	Short Title	Extent of Repeal
9 & 10 Geo. 6. c. 40.	The Miscellaneous Financial Provisions Act, 1946.	In section three, in paragraph (a) of the proviso to subsection (1), the words from "and in any case" down to but not including the word "and" at the end of that paragraph.
14 Geo. 6. c. 21.	The Miscellaneous Financial Provisions Act, 1950.	Paragraph (i) of section one.
1 & 2 Eliz. 2. c. 2.	The Civil Contingencies Fund Act, 1952.	The whole Act.

PART II

WINDING UP OF ROAD FUND

Session and Chapter	Short Title	Extent of Repeal
10 & 11 Geo. 5. c. 72.	The Roads Act, 1920 ...	In section three, subsections (1), (2), (3) and (5); in subsection (4), paragraphs (c) and (d) and the words following; in subsection (6) the words "under this Act and".
14 & 15 Geo. 5. c. 34.	The London Traffic Act, 1924.	In section fifteen the words from "(including" to "proper)".
15 & 16 Geo. 5. c. 68.	The Roads Improvement Act, 1925.	In section eight, the words from "incurred by the Minister" to the words "such expenses".
16 & 17 Geo. 5. c. 22.	The Finance Act, 1926 ...	Section forty-three.
17 & 18 Geo. 5. c. 10.	The Finance Act, 1927 ...	Section forty-nine.
20 & 21 Geo. 5. c. 43.	The Road Traffic Act, 1930.	Section one hundred and fifteen.
23 & 24 Geo. 5. c. 53.	The Road and Rail Traffic Act, 1933.	Subsection (3) of section twenty-four.
25 & 26 Geo. 5. c. 24.	The Finance Act, 1935 ...	Section thirty-two.
25 & 26 Geo. 5. c. 47.	The Restriction of Ribbon Development Act, 1935.	In section nineteen, subsection (1).
26 Geo. 5. & 1 Edw. 8. c. 34.	The Finance Act, 1936 ...	Section thirty-three. The Third Schedule.

2ND SCH
—cont.

Session and Chapter	Short Title	Extent of Repeal
1 Edw. 8. & 1 Geo. 6. c. 5.	The Trunk Roads Act, 1936	In section nine, in subsection (1), the words from the beginning to " Road Fund; and ", the word " other " and the words " not being expenses in the construction of trunk roads ".
6 & 7 Geo. 6. c. 21.	The War Damage Act, 1943	In section seventy-one, in subsection (5), the words from " Any grants paid " to the end of the subsection.
7 & 8 Geo. 6. c. 47.	The Town and Country Planning Act, 1944.	In section three, in subsection (2), the words from " Expenses incurred " to the end of the subsection.
8 & 9 Geo. 6. c. 33.	The Town and Country Planning (Scotland) Act, 1945.	In section three, in subsection (2), the words from " Expenses incurred " to the end of the subsection.
8 & 9 Geo. 6. c. 43.	The Requisitioned Land and War Works Act, 1945.	In section fifty-seven, in subsection (1), in paragraph (a), the words from " (except so far " to the end of the paragraph and paragraph (d).
9 & 10 Geo. 6. c. 30.	The Trunk Roads Act, 1946	In section ten, in subsection (1), the words from the beginning to the words " Road Fund; and " and the word " other ", and subsection (2).
10 & 11 Geo. 6. c. 51.	The Town and Country Planning Act, 1947.	In section forty-nine, in subsection (9), the words from " in the construction " to " that Minister ". In section ninety-seven the words " or out of the road fund ". In section one hundred and nine, in paragraph (a), the words from " other than expenses " to the end of the paragraph and paragraph (b).
10 & 11 Geo. 6. c. 53.	The Town and Country Planning (Scotland) Act, 1947.	In section forty-six, in subsection (9), the words from " in the construction " to " that Minister ". In section ninety-three, the words " or out of the Road Fund ". In section one hundred and four, in paragraph (a), the words from " other than expenses " to the end of the paragraph and paragraph (b).

2ND SCH.
—cont.

Session and Chapter	Short Title	Extent of Repeal
12, 13 & 14 Geo. 6. c. 32.	The Special Roads Act, 1949.	In section nineteen, subsection (1), and in subsection (2), in paragraph (a), the words "other than those which are to be defrayed out of the Road Fund".
12, 13 & 14 Geo. 6. c. 67.	The Civil Aviation Act, 1949.	In section thirty-nine, in subsection (3), the words "or fall to be defrayed out of the Road Fund under any other Act", and subsection (4).
14 Geo. 6. c. 24	The Highways (Provision of Cattle-Grids) Act, 1950.	In section sixteen, subsection (2), and in subsection (3), paragraph (a).
14 Geo. 6. c. 39	The Public Utilities Street Works Act, 1950.	In section thirty-three, subsection (1), and in subsection (2), paragraph (c) and the words "(other than sums to be paid into the Road Fund under subsection (1) of this section)."

PART III

UNCLAIMED DIVIDENDS ETC

Session and Chapter	Short Title	Extent of Repeal
29 & 30 Vict. c. 11.	The National Debt Reduction Act, 1866.	Section three.
33 & 34 Vict. c. 71.	The National Debt Act, 1870.	Sections fifty-one to fifty-three; sections sixty-one and sixty-two except as respects stock transferred and dividends paid before the date of operation of this repeal; section sixty-three and section sixty-five.
55 & 56 Vict. c. 39.	The National Debt (Stockholders' Relief) Act, 1892.	Section one.
11 & 12 Geo. 5. c. 32.	The Finance Act, 1921 ...	Subsection (2) of section forty-nine and, except as respects moneys paid before the date of operation of this repeal, paragraph 6 of the Third Schedule.

2ND SCHEDULE
—cont.

Session and Chapter	Short Title	Extent of Repeal
19 & 20 Geo. 5. c. 29.	The Government Annuities Act, 1929.	Subsection (2) of section fifteen, except as respects annuities and arrears transferred before the date of operation of this repeal.
5 & 6 Geo. 6. c. 21.	The Finance Act, 1942 ...	Section forty-eight, so far as it amends section fifty-three of the National Debt Act, 1870.
12, 13 & 14 Geo. 6. c. 47.	The Finance Act, 1949 ...	Subsections (3) and (5) of section forty-seven.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
National Debt Act, 1870	33 & 34 Vict. c. 71.
Savings Banks Act, 1893	56 & 57 Vict. c. 69.
Development and Road Improvement Funds Act, 1909.	9 Edw. 7. c. 47.
War Loan (Supplemental Provisions) Act, 1915	5 & 6 Geo. 5. c. 93.
Roads Act, 1920	10 & 11 Geo. 5. c. 72.
Finance Act, 1921	11 & 12 Geo. 5. c. 32.
London Traffic Act, 1924	14 & 15 Geo. 5. c. 34.
Government Annuities Act, 1929	19 & 20 Geo. 5. c. 29.
Road Traffic Act, 1930	20 & 21 Geo. 5. c. 43.
Road and Rail Traffic Act, 1933	23 & 24 Geo. 5. c. 53.
Road Traffic Act, 1934	24 & 25 Geo. 5. c. 50.
National Loans Act, 1939	2 & 3 Geo. 6. c. 117.
Miscellaneous Financial Provisions Act, 1946...	9 & 10 Geo. 6. c. 40.
Agriculture Act, 1947	10 & 11 Geo. 6. c. 48.
New Forest Act, 1949	12, 13 & 14 Geo. 6. c. 69.
Miscellaneous Financial Provisions Act, 1950...	14 Geo. 6. c. 21.
Civil Contingencies Fund Act, 1952	1 & 2 Eliz. 2. c. 2.
Expiring Laws Continuance Act, 1954	2 & 3 Eliz. 2. c. 69.

CHAPTER 7

An Act to amend subsection (2) of section two of the Wireless Telegraphy Act, 1949. [27th July, 1955]

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

1. In subsection (2) of section two of the Wireless Telegraphy Act, 1949 (which provides that where, upon an application made by a person ordinarily resident in the United Kingdom for the issue or renewal of a wireless telegraphy licence to instal or use

Amendment of s. 2 (2) of 12, 13 & 14 Geo. 6. c. 54.

apparatus not designed or adapted for emission, as opposed to reception, the Postmaster General is satisfied that the applicant is a blind person not resident in a public or charitable institution or in a school, he may dispense with the payment of any sum which would otherwise be payable on the issue or renewal of the licence), for the words "dispense with the payment of any sum" there shall be substituted the words "dispense with the payment of the whole or part of any sum".

Short title,
citation and
extent.

2.—(1) This Act may be cited as the *Wireless Telegraphy (Blind Persons) Act, 1955*, and the *Wireless Telegraphy Act, 1949*, and this Act may be cited together as the *Wireless Telegraphy Acts, 1949 and 1955*.

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

(3) Her Majesty may by Order in Council direct that this Act shall extend to the Isle of Man or any of the Channel Islands and any Order in Council under this subsection may be revoked or varied by a subsequent Order in Council.

CHAPTER 8

County Courts Act, 1955

ARRANGEMENT OF SECTIONS

Extension of jurisdiction of county court

Section

1. Actions of contract or tort, or for money recoverable by statute, and related matters.
2. Actions for recovery of, or relating to, land.
3. Admiralty proceedings.
4. Probate proceedings.
5. Plaintiff's right to transfer to High Court so as to increase his claim.
6. Amendment as to jurisdiction by agreement.
7. Consequential amendments for Mayor's and City of London Court.
8. Commencement of ss. 1 to 4, and transitional provisions.

Number of judges and exercise of jurisdiction

9. Increase in number of judges.
10. Extension of powers of registrar.
11. Judge's power as to place of hearing.

Appeals

Section

12. Appeals on question of fact, and consequential amendments as to appeal on law.

Supplementary

13. Short title, citation, interpretation, repeal and extent.

SCHEDULES:

First Schedule—Supplementary amendments and transitional provisions as to jurisdiction of county court, etc.

Second Schedule—Repeals.

An Act to extend the jurisdiction of county courts and, in connection therewith, to amend the law as to costs in and transfers to the High Court, make further provision for the despatch of business in county courts by increasing the number of judges and otherwise, and provide for appeals from county courts on questions of fact, and for purposes connected with the matters aforesaid.

[27th July, 1955]

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

Extension of jurisdiction of county court

1.—(1) The amounts by reference to which the jurisdiction of a county court in actions of contract or tort, or for money recoverable by statute, is limited by sections forty and forty-one of the principal Act shall be four hundred pounds, and section sixteen of the Administration of Justice (Miscellaneous Provisions) Act, 1938 (which increased the said amounts from one hundred pounds to two hundred pounds, but enabled a defendant to require an action for more than one hundred pounds to be transferred to the High Court), shall cease to have effect.

Actions of contract or tort, or for money recoverable by statute, and related matters.

(2) For subsection (1) of section forty-seven of the principal Act there shall be substituted:—

“(1) Where an action founded on contract or tort is commenced in the High Court which could have been commenced in the county court and the action is not referred for trial to an official referee, then subject to subsections (3) and (4) of this section the plaintiff—

(a) if he recovers a sum less than three hundred pounds, shall not be entitled to any more costs of the action

than those to which he would have been entitled if the action had been brought in the county court; and

(b) if he recovers a sum less than seventy-five pounds, shall not be entitled to any costs of the action;

so, however, that this section shall not affect any question as to costs if it appears to the High Court or a judge thereof (or where the matter is tried before a referee or officer of the Supreme Court, to that referee or officer) that there was reasonable ground for supposing the amount recoverable in respect of the plaintiff's claim to be in excess of the amount recoverable in an action commenced in the county court.

For the purposes of paragraphs (a) and (b) of this subsection, a plaintiff shall be treated as recovering the full amount recoverable in respect of his claim without regard to any deduction made in respect of contributory negligence on his part or otherwise in respect of matters not falling to be taken into account in determining whether the action could have been commenced in the county court."

(3) In subsection (4) of the said section forty-seven (which allows costs on the High Court scale where, in an action in the High Court for a debt or liquidated demand only, twenty pounds or more is recovered without the action proceeding to trial) there shall be substituted for the words "twenty pounds", wherever occurring, the words "forty pounds".

(4) The enactments referred to in Part I of the First Schedule to this Act shall have effect subject to the amendments provided for by the said Part I (being amendments giving effect to the change made by subsection (1) of this section or making changes consequential on or related to that change).

(5) If Her Majesty by Order in Council so directs, this section and Part I of the First Schedule to this Act shall have effect with the substitution for the references to three hundred pounds, to four hundred pounds and to four hundred and fifty pounds of references to four hundred pounds, to five hundred pounds and to five hundred and fifty pounds respectively; but no recommendation shall be made to Her Majesty in Council to make an Order under this subsection unless a draft of the Order has been laid before Parliament and approved by resolution of each House of Parliament.

Actions for recovery of, or relating to, land.

2.—(1) The amount by reference to which the jurisdiction of a county court in actions for the recovery of land, or in which the title to a hereditament comes in question, is limited by sections forty-eight and fifty-one of the principal Act shall be one hundred pounds in net annual value for rating (instead of one hundred pounds in value by the year or in rent).

(2) The enactments referred to in Part II of the First Schedule to this Act shall have effect subject to the amendments provided for by the said Part II (being amendments giving effect to the change made by subsection (1) of this section or making changes consequential on or related to that change).

(3) For the purposes of this Act and of the said enactments as so amended, the net annual value for rating of any property shall be determined as at the time when the relevant proceedings are commenced, unless otherwise provided in the enactment in question, and (subject to the next following subsection) by reference to the valuation list in force at the time in question.

(4) Where the property of which the value is in question does not consist of one or more hereditaments having at the time in question a separate net annual value for rating, the property or such part of it as does not so consist shall be taken to have a net annual value for rating equal to three-fifths of its value by the year.

3.—(1) The amounts by reference to which the jurisdiction of Admiralty an admiralty county court is limited in relation to admiralty proceedings matters by the proviso to subsection (1) of section fifty-six of the principal Act shall be one thousand pounds, in the case of the amount claimed, and three thousand five hundred pounds, in the case of the value of the property saved where that value is relevant; and accordingly in the said proviso for the words “three hundred pounds” and “one thousand pounds” there shall respectively be substituted the words “one thousand pounds” and “three thousand five hundred pounds”.

(2) In section fifty-nine of the principal Act (which limits the costs recoverable in certain admiralty proceedings in the High Court if the plaintiff recovers less than the amounts specified in subsections (2), (3) and (4))—

(a) in subsections (2) and (4), for the words “three hundred pounds”, in both places, there shall be substituted the words “one thousand pounds”;

(b) in subsection (3), for the words “twenty pounds” there shall be substituted the words “seventy-five pounds”.

(3) Subsections (2) to (4) of the said section fifty-nine shall not affect any question as to costs in any case where it appears to the High Court or a judge thereof that there was reasonable ground for supposing the amount recoverable in respect of the plaintiff's claim to be in excess of the amount recoverable in proceedings commenced in a county court; and for the purposes of the said subsections, a plaintiff shall be treated as recovering the full amount recoverable in respect of his claim without regard to any deduction made in respect of contributory negligence on

his part or otherwise in respect of matters not falling to be taken into account in determining whether the action could have been commenced in the county court.

Probate proceedings.

4.—(1) The jurisdiction conferred on a judge of a county court in probate proceedings by subsection (1) of section sixty of the principal Act shall be exercisable where a registrar of the principal probate registry is satisfied in accordance with that subsection that the value of the deceased's estate was less than one thousand pounds (instead of where the registrar is so satisfied that the personal estate was under two hundred pounds and the real estate was not over three hundred pounds).

(2) In the foregoing subsection the reference to the value of the deceased's estate refers to the value of his estate at the time of his death, exclusive of what he was possessed of or entitled to as a trustee and not beneficially, but after making allowance for funeral expenses and for debts and incumbrances.

(3) Accordingly—

(a) in subsection (1) of the said section sixty for paragraphs (a) and (b) there shall be substituted the words "that the value of the estate of the person in respect of whose estate the application is made was at the time of his death less than one thousand pounds, exclusive of what he was possessed of or entitled to as a trustee and not beneficially, but after making allowance for funeral expenses and for debts and incumbrances"; and

(b) in subsection (2) of that section (which relates to proof of the facts conferring jurisdiction under that section), and in section sixty-one of the principal Act (which relates to the transfer of probate proceedings from the High Court to the county court), for the words "state of the property", wherever occurring, there shall be substituted the words "value of the estate".

Plaintiff's right to transfer to High Court so as to increase his claim.

5.—(1) Where there is commenced in the county court an action founded on contract or tort wherein the plaintiff claims damages, the plaintiff may at any time apply to the county court judge for an order to transfer the action to the High Court, on the ground that there is reasonable ground for supposing the amount recoverable in respect of his claim to be in excess of the amount recoverable in the action in the county court.

(2) If, on any such application, the judge is satisfied that there is reasonable ground as aforesaid, the judge shall make an order that the action be transferred to the High Court.

Amendment as to jurisdiction by agreement.

6. Section forty-three of the principal Act (under which a county court may by agreement of the parties be given jurisdiction in any action assigned for the time being to the Queen's Bench Division of the High Court) shall have effect, and be deemed always to have had effect, as if for the words "any

action assigned for the time being to the King's Bench Division of the High Court" there were substituted the words "any action other than an action which, if commenced in the High Court, would, under the Acts and rules applying to that court, have been assigned to the Chancery Division or to the Probate, Divorce and Admiralty Division".

7.—(1) As from the coming into force of sections one to four of this Act, the following provisions of this section shall have effect in relation to the Mayor's and City of London Court (which under section one hundred and eighty-six of the principal Act is for the purpose of proceedings within the jurisdiction of a county court deemed to be a county court).

Consequential amendments for Mayor's and City of London Court.

(2) The cases in which any such proceedings may be commenced in the said court shall be determined in accordance with county court rules, and not in accordance with the enactments formerly applying to the Mayor's Court or the City of London Court; and accordingly in section one of the Mayor's and City of London Court Act, 1920 (which provided for the amalgamation of the Mayor's Court and the City of London Court into a single court with the jurisdiction and powers of both the former courts), for the words "all the powers and jurisdiction of both the said first-mentioned courts" there shall be substituted the words "the powers and jurisdiction formerly exercisable by the Mayor's Court (except the extended jurisdiction in small actions given by section twelve of the Mayor's Court of London Procedure Act, 1857), and such powers and jurisdiction as would for the time being be exercisable by a county court for a district consisting of the City of London".

(3) Section eight of the said Act of 1920 (which provides for applying High Court procedure in the Mayor's and City of London Court to cases formerly within the jurisdiction of the Mayor's Court but outside the jurisdiction of the City of London Court), shall not apply to any proceedings within the jurisdiction of a county court, except in so far as it requires proceedings originating in the Mayor's and City of London Court to be commenced by plaintiff.

8.—(1) Sections one to four of this Act shall come into force on such day as may be appointed by order of the Lord Chancellor made by statutory instrument.

Commencement of ss. 1 to 4, and transitional provisions.

(2) Part III of the First Schedule to this Act shall have effect, as from the day so appointed, to provide for transitional matters arising out of the coming into force of the foregoing sections, and any Order in Council under section one of this Act may, in relation to the coming into force of the Order, make provision for purposes similar to the purposes of the said Part III.

Number of judges and exercise of jurisdiction

Increase in number of judges.

9. The number of judges of county courts who may be appointed under the principal Act shall be increased from sixty-five to eighty; and accordingly in paragraph (b) of the proviso to subsection (1) of section four of the principal Act, as originally enacted, for the word "sixty" there shall be substituted the word "eighty".

Extension of powers of registrar.

10.—(1) Section ninety-nine of the principal Act (which confers power to make county court rules) shall have effect as if in subsection (3) of that section, in place of the paragraph added by section eighteen of the Administration of Justice (Miscellaneous Provisions) Act, 1938, there were added:—

“(e) authorising the registrar to hear and determine—

- (i) any proceedings other than actions;
- (ii) any actions in which the defendant fails to appear at the hearing or admits the claim;
- (iii) by leave of the judge, and in the absence of objection made in accordance with the rules by any of the parties, any actions in which the sum claimed or the amount involved does not exceed thirty pounds;
- (iv) by leave of the judge, and with the consent of the parties, any other actions.”

(2) Any county court rules made by virtue of the said section eighteen shall have effect from the coming into force of this section as if made by virtue of this section.

Judge's power as to place of hearing.

11. Without prejudice to the generality of subsections (1) and (2) of the said section ninety-nine, the power of making county court rules shall extend to authorising a judge of county courts to direct that the hearing in proceedings pending in the court for any district, being proceedings which are to be heard and determined by the judge, shall take place in the court for some other district of which he is the judge.

Appeals

Appeals on question of fact, and consequential amendments as to appeal on law.

12.—(1) Subject to the provisions of this section, and of section one hundred and seven of the principal Act (which relates to agreements not to appeal), if any party to any such proceedings in a county court as are mentioned in the next following subsection is dissatisfied with the determination of the judge or jury on any question of fact, the party aggrieved by the judgment or order of the court may appeal therefrom to the Court of Appeal in such manner and subject to such conditions as may be for the time being provided by the rules of the Supreme Court.

(2) Subject as aforesaid, the proceedings in which a right of appeal is conferred by this section are—

- (a) any action founded on contract or tort, or for money recoverable by statute, where either—
 - (i) the debt, demand or damage claimed exceeds two hundred pounds; or
 - (ii) the relief sought includes an injunction; or
 - (iii) the title to a hereditament comes in question, and the net annual value for rating of that hereditament (or, in the case of an easement or licence, that of the hereditament in respect of which the easement or licence is claimed, or on, through, over or under which it is claimed) exceeds sixty pounds;
- (b) any action for the recovery of land of a net annual value for rating exceeding sixty pounds;
- (c) any action where there is a counterclaim to which either of the foregoing paragraphs would apply if the counterclaim had been the subject of a separate action;
- (d) any matter transferred to a county court from the High Court under section one hundred and thirty-eight of the principal Act (which relates to transfers on applications to attach a debt or to levy execution against a member of a firm for a partnership debt), where the debt in question exceeds two hundred pounds;
- (e) any proceedings in interpleader, or relating to any debt or thing in action paid into court under section one hundred and thirty-six of the Law of Property Act, 1925, where the amount or value of the money or property claimed or paid into court exceeds two hundred pounds;
- (f) any probate proceedings, where the value of the estate (as stated in the affidavit made for the purposes of section sixty of the principal Act) exceeds five hundred pounds.

(3) Subject as aforesaid, in proceedings in which there is a right of appeal under this section by virtue of paragraph (a), (b) or (c) of the last foregoing subsection, an appeal may be brought thereunder in respect of any claim or counterclaim in the action, notwithstanding that there could be no such appeal if that claim or counterclaim had been the subject of a separate action.

(4) In proceedings in which either the plaintiff or the defendant is claiming possession of any premises, this section shall not confer any right of appeal if, by virtue of section three of the Rent and Mortgage Interest Restrictions (Amendment) Act, 1933, as amended, extended and applied by subsequent enactments, or of subsection (4) of section thirteen of the Landlord

and Tenant Act, 1954, the court can only grant possession on being satisfied that it is reasonable so to do, or if possession of the premises is claimed under section five of the Requisitioned Houses and Housing (Amendment) Act, 1955.

(5) This section shall not confer any right of appeal from any judgment or order where a right to appeal therefrom on questions of fact is conferred by some other enactment, and shall have effect subject to any enactment other than the principal Act, in so far as the enactment provides that a determination of the county court shall be final.

(6) No appeal shall lie from the decision of the Court of Appeal on any appeal from a county court in probate proceedings.

(7) The leave of the judge shall not be required for any appeal under section one hundred and six of the principal Act (which relates to appeals on questions of fact in admiralty proceedings), but there shall be no appeal under that section unless the amount claimed in the proceedings exceeds two hundred pounds; and accordingly in the proviso to subsection (1) of that section the words "without the leave of the judge" shall be omitted, and for the words "one hundred pounds" there shall be substituted the words "two hundred pounds".

(8) Subject to any rules of the Supreme Court, on any appeal from a county court the Court of Appeal may reverse or vary, in favour of a party seeking to support the judgment or order of the county court in whole or in part, any determinations made in the county court on questions of fact, notwithstanding that the appeal is an appeal on a point of law only, or any such determinations on points of law, notwithstanding that the appeal is an appeal on a question of fact only:

Provided that this subsection shall not enable the Court of Appeal to reverse or vary any determination, unless the party dissatisfied with the determination would have been entitled to appeal in respect of it if aggrieved by the judgment or order.

(9) In section one hundred and five of the principal Act (which provides for appeals on questions of law, but in cases falling within the proviso requires the leave of the judge for an appeal), paragraph (a) of the proviso shall not apply to any action founded on contract or on tort where the relief sought includes an injunction.

Supplementary

Short title,
citation,
interpretation,
repeal and
extent.

13.—(1) This Act may be cited as the County Courts Act, 1955, and this Act and the principal Act may be cited together as the County Courts Acts, 1934 and 1955.

(2) In this Act the expression "the principal Act" means the County Courts Act, 1934, and, except in so far as the context otherwise requires, expressions used in the principal Act have the same meanings in this Act as in that.

(3) Subject, so far as relevant, to the transitional provisions in Part III of the First Schedule to this Act, the enactments mentioned in Part I of the Second Schedule to this Act are hereby repealed to the extent specified in the third column of the Second Schedule, and the enactments mentioned in Part II of the Second Schedule (being enactments formerly relating to the City of London Court which have become obsolete or unnecessary) shall also cease to have effect and are hereby repealed to the extent so specified.

(4) The provisions of this Act do not extend to Scotland or to Northern Ireland.

SCHEDULES

FIRST SCHEDULE

Sections 1, 2, 8,
13.

SUPPLEMENTARY AMENDMENTS AND TRANSITIONAL PROVISIONS AS TO JURISDICTION OF COUNTY COURT, ETC.

PART I

ACTIONS OF CONTRACT OR TORT, ETC. (SUPPLEMENTARY AMENDMENTS)

1. The words "four hundred pounds" shall be substituted for the words "one hundred pounds", wherever occurring in the following provisions of the principal Act, that is to say—

- (a) sections forty and forty-one, as originally enacted (which confer the jurisdiction in actions of contract or tort or for money recoverable by statute);
- (b) subsection (2) of section forty-five (which relates to the transfer of actions of contract or tort from the High Court to the county court);
- (c) section seventy-seven (which enables an infant to sue in the county court for his wages);
- (d) section one hundred and thirty-eight (which relates to transfers from the High Court to the county court on applications to attach a debt or to levy execution against a member of a firm for a partnership debt);
- (e) paragraph (c) of section one hundred and eighty-four (which relates to the recovery by solicitors of remuneration for contentious business done in a county court);
- (f) in the Second Schedule, the entry relating to section one hundred and thirty-six of the Law of Property Act, 1925 (which relates to interpleader or payment into court in the case of a disputed assignment of or conflicting claims to a debt or thing in action).

2. For section forty-two of the principal Act there shall be substituted:—

"42.—(1) Where a plaintiff has a cause of action for more than four hundred pounds in which, if it were not for more than four hundred pounds, a county court would have jurisdiction, the plaintiff may abandon the excess, and thereupon a county court shall have jurisdiction to hear and determine the action, so, however, that the plaintiff shall not recover in the action an amount exceeding four hundred pounds.

1ST SCH.
—cont.

(2) Where a court has jurisdiction to hear and determine an action by virtue of this section, the judgment of the court in the action shall be in full discharge of all demands in respect of the cause of action, and entry of the judgment shall be made accordingly.”

3. For section forty-four of the principal Act, there shall be substituted:—

“44.—(1) Where there is commenced in a county court any action founded on contract or on tort wherein the plaintiff claims a sum exceeding forty pounds, the defendant may, within such time as may be prescribed by county court rules, give notice that he objects to the action being tried in the court.

(2) Where such a notice is given, the judge shall order that the action be transferred to the High Court, if—

(a) the defendant (unless exempted by section twenty of the Crown Proceedings Act, 1947) gives security approved by the registrar for the amount claimed and the costs of trial in the High Court, not exceeding in the aggregate the sum of four hundred and fifty pounds; and

(b) the judge certifies that in his opinion some important question of law or fact is likely to arise.”

PART II

ACTIONS RELATING TO LAND, ETC. (SUPPLEMENTARY AMENDMENTS)

4. In subsection (1) of section forty-eight of the principal Act (which defines the jurisdiction of the county court in actions for the recovery of land) for the words from “where” onwards there shall be substituted the words “where the net annual value for rating of the land in question does not exceed one hundred pounds”.

5. In subsection (1) of section forty-nine of the principal Act (which relates to the transfer to the High Court from the county court of actions for the recovery of land) for the words “land of greater annual value than one hundred pounds” there shall be substituted the words “land having at the time when the action was commenced a net annual value for rating exceeding one hundred pounds”.

6. For section fifty-one of the principal Act there shall be substituted:—

“51. A county court shall have jurisdiction to hear and determine any action in which the title to any hereditament comes in question, being an action which would otherwise be within the jurisdiction of the court—

(a) in the case of an easement or licence, if the net annual value for rating of the hereditament in respect of which the easement or licence is claimed, or on, through, over, or under which the easement or licence is claimed, does not exceed one hundred pounds; or

(b) in any other case, if the net annual value for rating of the hereditament in question does not exceed one hundred pounds.”

7. In subsection (3) of section one hundred and two of the principal Act (which relates to the security to be given by a replevisor where his action of replevin is brought in the High Court) for the words

“the rent or value whereof exceeded twenty pounds by the year” there shall be substituted the words “of which the net annual value for rating at the time when the security was given exceeded twenty pounds”.

1st Sch.
—cont.

8. In subsection (2) of section one hundred and three of the principal Act (which relates to the removal of an action of replevin from the county court to the High Court) for the words “the rent or value whereof exceeded twenty pounds by the year” there shall be substituted the words “of which the net annual value for rating at the time when the action was commenced exceeded twenty pounds”.

9. In subsection (3) of section one hundred and eighty of the principal Act (which relates to relief where a lessor has exercised a right of re-entry for non-payment of rent) for the words “if neither the annual value of the land nor the annual rent payable in respect thereof exceeds one hundred pounds” there shall be substituted the words “if the net annual value for rating of the land does not exceed one hundred pounds”.

10. In the Second Schedule to the principal Act—

- (a) in the entry relating to section one hundred and forty-six of the Law of Property Act, 1925 (which relates to relief against forfeiture of leases), for the words from “where” onwards there shall be substituted the words “where the net annual value for rating of the property comprised in the lease does not exceed one hundred pounds”; and
- (b) in the entry relating to section one hundred and forty-seven of the Law of Property Act, 1925 (which relates to relief against notices to effect decorative repairs), for the words from “where” onwards there shall be substituted the words “where the net annual value for rating of the house or other building does not exceed one hundred pounds”.

11. In the Second Schedule to the principal Act and in subsection (3) of section one hundred and thirteen of the Settled Land Act, 1925 (which relate to the jurisdiction of the county court under the property legislation of the year nineteen hundred and twenty-five), for the words “annual rateable value”, wherever occurring, there shall be substituted the words “net annual value for rating”.

12. In subsection (1) of section fifty-three of the Landlord and Tenant Act, 1954 (which confers unlimited jurisdiction on the county court to make a declaration that a landlord’s licence or consent was unreasonably withheld in certain cases), for the words “whatever the value of the demised property or the rent payable under the tenancy” there shall be substituted the words “whatever the net annual value for rating of the demised property”.

PART III

TRANSITIONAL PROVISIONS

Transfer of proceedings from county court, etc.

13. The amendments made by this Act in section forty-four of the principal Act shall apply to proceedings begun before, as well as on or after, the relevant date, and in relation to proceedings begun before the relevant date a county court judge may, if he sees fit, refuse to

1st SCH.
—cont.

make an order under the proviso to subsection (2) of section sixty or section sixty-four of the principal Act, if the proceedings are within the jurisdiction of the court as extended by this Act; but nothing in this Act shall be taken to affect any order made before the relevant date under any of the said provisions.

Transfer of proceedings to county court

14. The amendments made by this Act in sections forty-five and one hundred and thirty-eight of the principal Act shall apply to proceedings begun before, as well as on or after, the relevant date, and in relation to proceedings begun before the relevant date the High Court or a judge thereof shall have the same powers under section fifty, fifty-four, fifty-eight or sixty-one of the principal Act as he would have if the proceedings had been begun after that date.

Costs of proceedings in High Court

15. The amendments made by this Act in sections forty-seven and fifty-nine of the principal Act shall not apply to proceedings begun before the relevant date.

Miscellaneous

16. In relation to proceedings begun before the relevant date, nothing in this Act shall affect the jurisdiction conferred on the Mayor's and City of London Court by section thirty-nine of the London (City) Small Debts Extension Act, 1852, or section twelve of the Mayor's Court of London Procedure Act, 1857, or the operation of section eight of the Mayor's and City of London Court Act, 1920.

17. In this Part of this Schedule "the relevant date" means the date on which sections one to four of this Act come into force.

Section 13.

SECOND SCHEDULE

REPEALS

PART I

CONSEQUENTIAL REPEALS

Session and Chapter	Short Title	Extent of Repeal
15 & 16 Vict. c. lxxvii.	The London (City) Small Debts Extension Act, 1852.	Section thirty-nine.
20 & 21 Vict. c. clvii.	The Mayor's Court of London Procedure Act, 1857.	Sections three and twelve.
24 & 25 Geo. 5. c. 53.	The County Courts Act, 1934	In section one hundred and ten, the words "on a point of law arising".
1 & 2 Geo. 6. c. 63.	The Administration of Justice (Miscellaneous Provisions) Act, 1938.	Section sixteen; section eighteen; in the Second Schedule, the entries relating to sections forty, forty-one, forty-two, and forty-four of the County Courts Act, 1934.
14 Geo. 6. c. 4	The High Court and County Court Judges Act, 1950.	Section two.

PART II

2ND SCH.
—cont.

OBSELETE ENACTMENTS RELATING TO CITY OF LONDON COURT

Session and Chapter	Short Title	Extent of Repeal
15 & 16 Vict. c. lxxvii.	The London (City) Small Debts Extension Act, 1852.	Sections two, three, four, seven, eighteen, nineteen, twenty-two, thirty, thirty-six to thirty-eight and forty-one to one hundred and two; section one hundred and three, except the words "all sums of money paid into the court shall, if unclaimed, be applicable as part of the general fund of the court and shall be carried to the account of such fund"; sections one hundred and four to one hundred and seven, one hundred and nine to one hundred and seventeen and one hundred and twenty-three to one hundred and thirty-four; the Schedule.
34 & 35 Vict. c. iii.	The City of London Court Act, 1871.	The whole Act.

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Table of Statutes referred to in this Act

Short Title	Session and Chapter
London (City) Small Debts Extension Act, 1852	15 & 16 Vict. c. lxxvii.
Mayor's Court of London Procedure Act, 1857	20 & 21 Vict. c. clvii.
Mayor's and City of London Court Act, 1920...	10 & 11 Geo. 5. c. cxxxiv.
Settled Land Act, 1925	15 & 16 Geo. 5. c. 18.
Law of Property Act, 1925	15 & 16 Geo. 5. c. 20.
Rent and Mortgage Interest Restrictions (Amendment) Act, 1933	23 & 24 Geo. 5. c. 32.
County Courts Act, 1934	24 & 25 Geo. 5. c. 53.
Administration of Justice (Miscellaneous Provisions) Act, 1938	1 & 2 Geo. 6. c. 63.
Crown Proceedings Act, 1947	10 & 11 Geo. 6. c. 44
Landlord and Tenant Act, 1954	2 & 3 Eliz. 2. c. 56.
Requisitioned Houses and Housing (Amendment) Act, 1955	3 & 4 Eliz. 2. c. 24.

CHAPTER 9

Rating and Valuation (Miscellaneous Provisions) Act, 1955

ARRANGEMENT OF SECTIONS

Section

1. New valuation lists.
2. Alteration of, and proceedings relating to, valuation lists.
3. Evidence in valuation proceedings.
4. Provisions as to making and levying of rates.
5. Ascertainment of rateable value.
6. Rating of Gas Boards.
7. Relief from rates for places of religious worship.
8. Provisions as to rates payable by charitable and other organisations.
9. Other reliefs from rates.
10. Contributions in aid of rates by police authorities.
11. Provisions as to water rates in connection with new valuation lists.
12. Increase of controlled rent in consequence of revaluation.
13. Charges for levying distress for rates.
14. Financial provisions.
15. Consequential and minor amendments, and repeal of enactments.
16. Interpretation, and provisions as to regulations and orders.
17. Short title, operation of Act, and extent.

SCHEDULES:

First Schedule—Amendment of Section forty-one of Local Government Act, 1948.

Second Schedule—Deductions from Gross Value.

Third Schedule—New provisions for rating Gas Boards.

Fourth Schedule—Transitional provisions relating to Gas Boards.

Fifth Schedule—Adjustment of rates payable by charitable and other organisations.

Sixth Schedule—Contributions in aid of rates in respect of police properties in first year of new valuation list.

Seventh Schedule—Consequential and minor amendments.

Eighth Schedule—Enactments repealed.

An Act to amend the law as respects rating and valuation for rating, and for purposes connected therewith.

[27th July, 1955]

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

New valuation lists.

1.—(1) Where a new valuation list is to be made for a rating area under Part III of the Local Government Act, 1948 (in this Act referred to as "the Act of 1948"), the list shall be prepared in accordance with the following provisions of this section; and sections thirty-five to thirty-eight of that Act (which relate to the preparation and revision of draft valuation lists and to the settling of valuation lists) shall cease to have effect.

(2) The valuation officer shall prepare the list and (in addition to the other matters required to be included therein) shall insert in the list such particulars with respect to totals of values as may be prescribed by regulations made by the Minister of Housing and Local Government (in this Act referred to as "the Minister"), both in respect of the whole rating area and in respect of any parish or other area which is liable to be charged separately in respect of any expenses.

(3) Not later than the end of the month of December preceding the date on which the list is to come into force (or if in any particular case the Minister, either before or after the end of that month, allows an extended period, then not later than the end of that period), the valuation officer shall sign the list and transmit it, together with a copy thereof, to the rating authority.

(4) Where, after the valuation officer has transmitted the list to the rating authority, but before the date on which the list is to come into force, it appears to him that, by reason of a material change of circumstances which has occurred since the time of valuation, the list needs to be altered in any respect, he shall cause the list to be altered accordingly before that date.

In this subsection—

"material change of circumstances" means a change of circumstances which consists of the coming into occupation of a newly erected or newly constructed hereditament or of a hereditament which has been out of occupation on account of structural alterations, or consists of any of the events specified in paragraphs (b) to (g) of subsection (2) of section forty-two of the Act of 1948;

"the time of valuation", in relation to a change of circumstances, means the time by reference to which the valuation officer prepared so much of the list as is affected by that change of circumstances.

(5) The omission from a new valuation list of any matter required by law to be included therein shall not of itself render the list invalid.

(6) In respect of any new valuation list, it shall be the duty of the rating authority immediately upon receipt thereof to take such steps as the authority may consider most suitable for giving notice of the list, and of the rights of persons to inspect the list and to make proposals for altering it.

(7) Where in the case of a hereditament—

(a) any value ascribed to it in a new valuation list exceeds the corresponding value of the hereditament as last previously determined (whether under Part III of the Act of 1948 or under the enactments repealed by that Act), and

(b) the hereditament has not been substantially altered since its value was last previously determined, and

(c) a proposal for the alteration of the list, so as to reduce the value so ascribed to the hereditament, is served on the valuation officer before the end of the year beginning with the date on which the list comes into force, then, until that proposal has been settled, the amount recoverable in respect of rates levied on the hereditament for that year, or for any subsequent year, shall not (in the case of any such year) exceed the total amount of the rates (including any special rates) levied on the hereditament for the last year before that list came into force.

(8) For the purposes of the last preceding subsection a proposal shall be taken to be settled when an alteration is made in the valuation list so as to give effect to the proposal, or to an agreement made in consequence of the proposal, or when the proceedings on an appeal against, or a reference to arbitration relating to, an objection to the proposal (including any proceedings in consequence of such an appeal or reference to arbitration) are finally determined, or when the proposal is withdrawn, whichever first occurs.

Alteration of,
and
proceedings
relating to,
valuation lists.

2.—(1) In section forty of the Act of 1948 (which enables proposals to be made for the alteration of valuation lists) the following subsection shall be inserted after subsection (2):—

“(2A) Without prejudice to any right exercisable by rating authorities by virtue of subsection (1) of this section, where—

(a) it appears to a rating authority that a hereditament in their area, which is not included in the list, ought to be included therein, and

(b) the valuation officer gives notice in writing to the rating authority that he does not intend to make a proposal for inserting that hereditament in the list,

the rating authority, at any time within twenty-eight days after the date on which that notice was given, may make a proposal for the alteration of the list by the insertion of that hereditament therein”:

Provided that this subsection shall not apply for the purpose of altering any valuation list in force at the passing of this Act.

(2) Notwithstanding anything contained in the said section forty, a proposal for altering a valuation list in force at the passing of this Act shall not have effect if (not being made by the valuation officer) it is served on the valuation officer after the passing of this Act, and is made otherwise than by the owner or occupier of the hereditament to which it relates.

(3) Where by any provision of subsections (1) to (3) of section forty-one of the Act of 1948 (which relate to the procedure on proposals for the alteration of valuation lists) a step is authorised or required to be taken within a time-limit of seven days or twenty-one days, that provision shall have effect as if the time-limit were twenty-eight days:

Provided that this subsection shall not affect the time within which the valuation officer is required to transmit copies of proposals made by him.

(4) The proviso to subsection (2) of the said section forty-one (under which in certain cases a copy of a proposal need not be served on the occupier) shall cease to have effect.

(5) In accordance with the two last preceding subsections, subsections (1) to (3) of the said section forty-one shall have effect as set out in Part I of the First Schedule to this Act.

(6) The provisions set out in Part II of the First Schedule to this Act shall be substituted for subsections (4) to (7) of the said section forty-one (which relate to objections by valuation officers, to the procedure on proposals where no objection is made or every objection is unconditionally withdrawn, and to the right of appeal where objections are made and not unconditionally withdrawn).

(7) Any officer of a rating authority, acting under any special or general resolution of the authority, may authorise the institution, carrying on or defence of any proceedings, or the taking of any step, in relation to a valuation list, which the authority are authorised or required to institute, carry on, defend or take.

3.—(1) This section applies to the following returns, that is to say,—

- Evidence in
valuation
proceedings.
- (a) any return made under section fifty-eight of the Act of 1948, or under section forty or forty-one of the Rating and Valuation Act, 1925 (in this Act referred to as "the Act of 1925") or under any of sections fifty-five to fifty-seven of the Valuation (Metropolis) Act, 1869 (which sections confer powers for obtaining information for the purpose of preparing valuation lists), and
 - (b) any return made (whether before or after the passing of this Act) in compliance with a request of the valuation officer, where the request was made before the passing of the Valuation for Rating Act, 1953, and was a request for information which would have been reasonably required by the valuation officer for the purpose of preparing a valuation list if the said Act of 1953 had been in operation when the request was made.

(2) Subject to the following provisions of this section, any return to which this section applies shall in any valuation proceedings be admissible as evidence of the facts stated in the

return ; and any document purporting to be a return to which this section applies shall, in any valuation proceedings, be presumed, unless the contrary is shown,—

- (a) to be such a return ;
- (b) to have been made by the person by whom it purports to have been made ; and
- (c) if it purports to have been made by that person as occupier, owner or lessee of a hereditament, or in any other capacity specified in the document, to have been made by him as such occupier, owner or lessee, or in that other capacity, as the case may be.

(3) Returns to which this section applies shall not be used by or on behalf of the valuation officer as evidence in any valuation proceedings unless—

- (a) not less than fourteen days' notice, specifying the returns to be so used and the hereditaments to which they relate, has previously been given to the person who made the proposal to which the proceedings relate (where the proposal was not made by the valuation officer) and to every person who has served, and has not unconditionally withdrawn, a notice of objection to the proposal, and
- (b) the valuation officer has permitted any such person, who has given not less than twenty-four hours' notice of his desire to do so, to inspect at any reasonable time, and to take extracts from, any of the returns specified in the notice under the preceding paragraph.

(4) The two last preceding subsections shall not apply to any proceedings relating to the ascertainment of the net annual value of a hereditament by reference to the accounts, receipts or profits of an undertaking :

Provided that this subsection shall not be construed as preventing the use of any return in any such proceedings in circumstances where the return could be so used apart from this section.

(5) Any person to whom notice relating to any hereditaments has been given under paragraph (a) of subsection (3) of this section for the purposes of any valuation proceedings may give notice to the valuation officer, specifying one or more other hereditaments, as being hereditaments which are comparable in character or are otherwise relevant to the said person's case, and requiring the valuation officer—

- (a) to permit him at any reasonable time specified in the notice under this subsection to inspect, and (if he so desires) to take extracts from, all returns (if any) to which this section applies, which relate to those other hereditaments and are in the possession of the valuation officer, and

(b) to produce to him at the hearing such of those returns as before the hearing he has informed the valuation officer that he requires :

Provided that the number of hereditaments specified in a notice under this subsection shall not exceed the number of hereditaments specified in accordance with paragraph (a) of subsection (3) of this section in the notice given by the valuation officer under that paragraph.

(6) Where a notice has been given to the valuation officer under the last preceding subsection, and the valuation officer refuses or fails to comply with the notice, the person who gave the notice may apply to the court or tribunal before which the valuation proceedings in question are to be brought ; and if on any such application the court or tribunal is satisfied that it is reasonable to do so, the court or tribunal may by order direct the valuation officer to comply with the notice, either with respect to all the hereditaments specified therein or with respect to such one or more of those hereditaments as the court or tribunal may determine.

(7) The last preceding subsection shall apply, with the necessary modifications, to proceedings on an arbitration as it applies to proceedings before a court.

(8) An appeal shall lie from the decision of a local valuation court on an application under subsection (6) of this section, as if it were a decision in the valuation proceedings to which the application relates.

(9) Section sixty-three of the Act of 1948 (which relates to the service of notices and other documents) shall apply in relation to any notice authorised or required to be given for the purposes of this section as it applies in relation to the notices referred to in that section.

(10) In this section " valuation proceedings " means any of the following, that is to say, any proceedings on or in consequence of an appeal to a local valuation court, and any proceedings on or in consequence of a reference to arbitration under section fifty of the Act of 1948.

4.—(1) For the purposes of the making and levying of rates in a rural rating area for any rate period beginning on or after the date of the coming into force of the first new valuation list for that area,—

Provisions
as to making
and levying
of rates.

(a) no special rate shall be made or levied ; and

(b) any expenses which, but for the preceding paragraph, would have been chargeable on the whole or a part of the rating area by means of a special rate shall be levied in the area, or in that part of the area, as the case may be, together with, and as an additional item of, the general rate.

(2) For the purposes of subsection (1) of section four of the Act of 1925, and of subsection (1) of section fifty-four of the Act of 1948 (which provide that a rate shall be deemed to be made on the date on which it is approved by the rating authority), a resolution of a rating authority as respects the making of a rate shall be taken to constitute approval of the rate if the resolution specifies the amount per pound of rateable value at which the rate is to be levied, notwithstanding that the resolution—

- (a) is made without reference to any rate book, or to individual hereditaments, or
- (b) does not take account of any privilege in respect of rating conferred on the occupiers of hereditaments in any particular part of the rating area, or on the occupiers of any particular hereditaments, or
- (c) does not take account of any amount leviable in the rating area, or in a part of that area, together with, and as an additional item of, the rate in question.

(3) The last preceding subsection shall be deemed always to have had effect:

Provided that for the purposes of any enactment which requires any step to be taken within a specified time after the making of a rate, the taking of such a step (whether after or before the passing of this Act) shall be deemed not to be or have been out of time if—

- (a) before the passing of this Act the rating authority passed a resolution approving the rate book, or approving the amounts of the rates to be levied on the several hereditaments in the rating area, and
- (b) the step in question is or was taken within the specified time after the passing of that resolution.

(4) Where any person other than the occupier of a hereditament is liable—

- (a) to be rated in respect of the hereditament under the provisions of the Poor Rate Assessment and Collection Act, 1869, or of section eleven of the Act of 1925, or
- (b) to pay or collect the rates in respect of the hereditament in pursuance of an agreement made with the rating authority under any of those provisions,

then, notwithstanding anything in section nineteen of the said Act of 1869 (which requires the name of the occupier to be inserted in the rate book whether he is the person liable to be rated or not), it shall not be necessary to insert the name of the occupier in the rate book.

(5) Where, immediately before the coming into force of the first new valuation list for a rating area, a resolution of the rating authority (in this subsection referred to as "the old resolution") is in force under subsection (1) of section eleven of the Act of

1925, the rating authority may by resolution under this subsection direct that hereditaments which—

- (a) were included in the class defined in the old resolution immediately before the new valuation list came into force, but
- (b) have ceased to be included in that class by reason that, in the new valuation list, there have been ascribed to them rateable values higher than the rateable value by reference to which the class was defined, but not exceeding such maximum amount (whether within or above the limit imposed by subsection (1) of the said section eleven) as may be specified in the resolution under this subsection,

shall be treated as included in the class defined in the old resolution while the resolution under this subsection remains in force :

Provided that a resolution under this subsection, if not previously rescinded, shall cease to have effect on the rescission of the old resolution, or when the first new valuation list for the rating area is superseded by a subsequent valuation list, whichever first occurs.

(6) While a resolution under the last preceding subsection is in force, paragraph (b) of subsection (1) of the said section eleven (which requires an allowance to be made to owner-occupiers in certain cases) shall apply with the substitution, for the reference to the rateable value mentioned in that paragraph, of a reference to the maximum amount specified in the resolution under the last preceding subsection.

(7) Where a new valuation list is to come into force for a rating area, the rating authority for that area may make a rate by reference to that list for the year, or any part of the year, beginning with the day on which the list is to come into force, notwithstanding that the list is not in force at the time when the rate is made ; and accordingly, for the purposes of the making of such a rate at a time before the new list comes into force, references in any enactment to the valuation list in force at the time when the rate is made shall be construed as references to the new list.

5.—(1) Section twenty-two of the Act of 1925 (which specifies the way in which the rateable values of hereditaments outside London are to be ascertained) shall have effect subject to, and as extended by, the following provisions of this section. Ascertainment of rateable value.

(2) In paragraph (a) of subsection (1) of that section (which provides for ascertaining the net annual value by making certain deductions from the gross value), for the words from the

beginning of the paragraph to the words " second column of the said table " there shall be substituted the following words:—

“ If the hereditament consists of one or more houses or other non-industrial buildings, with or without any garden, yard, court, forecourt, outhouse or other appurtenance belonging thereto, but without other land, there shall be deducted from the gross value of the hereditament an amount representing the deduction specified, in relation to that gross value, in the second column of the table contained in Part I of the Second Schedule to this Act.”

(3) At the end of the said section twenty-two there shall be added the following subsection:—

“ (4) In this section the expression ‘ house ’ includes part of a house, the expression ‘ non-industrial building ’ means a building, or part of a building, of any description, with the exception of factories, mills and other premises of a similar character used wholly or mainly for industrial purposes, and of premises valued as part of—

(a) a railway, dock, canal, gas, water or electricity undertaking, or

(b) any public utility undertaking not falling within the preceding paragraph,

and the expression ‘ appurtenance ’, in relation to a dwelling-house, or to a school, college or other educational establishment, shall be taken to include all land occupied therewith and used for the purposes thereof.”

(4) The table contained in the Second Schedule to this Act shall be substituted for the table in Part I of the Second Schedule to the Act of 1925 (including the note appended thereto).

(5) In the case of any class of hereditaments, the net annual value of which falls to be ascertained under paragraph (a) of subsection (1) of the said section twenty-two, the Minister may by order provide that, for the deductions specified in the said table, there shall be substituted deductions of such amounts, or of amounts to be calculated in such manner, as may be specified in the order:

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

(6) Subsections (1) and (4) of the said section twenty-two shall have effect as well in relation to hereditaments in London as in relation to hereditaments outside London, so however that in

the application of subsection (1) of that section to hereditaments in London—

- (a) in paragraph (a), for the reference to the second column of the table mentioned in that paragraph, there shall be substituted a reference to the third column of that table, and
- (b) in paragraph (c) (which provides that, except in certain cases, the rateable value of a hereditament shall be taken to be its net annual value) the exception shall not apply ;

and the net annual value of a hereditament in London, as ascertained in accordance with paragraph (a) or paragraph (b) of the said subsection (1), shall be taken to be the net annual value thereof for the purposes of any enactment relating to rating or valuation for rating.

(7) Paragraph (a) of subsection (1) of the said section twenty-two, in so far as it provides for any deduction by reference to the average annual amount of a rate, charge or assessment, shall have effect—

- (a) in relation to any hereditament which is either a dwelling-house or a private garage or private storage premises, as if it provided for the deduction to be of an amount equal to one-third of that average annual amount, and
- (b) in relation to any partly residential hereditament, as if it provided for the deduction to be of an amount equal to the difference between—
 - (i) the said average annual amount, and
 - (ii) an amount bearing to two-thirds of the said average annual amount the same proportion as the residential element in the unreduced gross value of the hereditament bears to its unreduced gross value.

In this subsection “dwelling-house”, “private garage” and “private storage premises” have the same meanings as in the Valuation for Rating Act, 1953, “partly residential hereditament” means a hereditament to which section four of that Act applies, “unreduced gross value” has the same meaning as in section four of that Act, and the reference to the residential element in the unreduced gross value of a hereditament is a reference to the amount specified in paragraph (a) of subsection (3) of the said section four.

6.—(1) For the purposes of the making and levying of rates for any rate period beginning after the thirty-first day of March, nineteen hundred and fifty-six, each Gas Board who supplied any gas to consumers in a rating area in the penultimate year,

Rating of
Gas Boards.

S*

or who manufactured any gas in a rating area in the penultimate year, shall be treated as occupying in that area, during that rate period, a hereditament of a rateable value calculated in accordance with the provisions of Part I of the Third Schedule to this Act.

(2) The liability of a Gas Board to be rated for a rate period in respect of such a hereditament as is mentioned in the preceding subsection shall be in substitution for any liability of the Gas Board to be rated in respect of any premises actually occupied by the Board during that rate period, other than any excepted premises so occupied; and accordingly no premises occupied by a Gas Board, other than excepted premises, shall be liable to be rated, or to be included in any rate, for any rate period beginning after the said thirty-first day of March, or to be included in any valuation list coming into force after that day.

(3) The hereditament which a Gas Board is to be treated as occupying in a rating area by virtue of subsection (1) of this section shall be taken not to be situated in any part of that area in which there are leviable (whether as an additional item of the general rate or by means of a special rate) expenses which are not so leviable in the area taken as a whole.

(4) The provisions of Part II of the Third Schedule to this Act shall have effect for the purposes of the preceding provisions of this section.

(5) The transitional provisions contained in the Fourth Schedule to this Act shall have effect with respect to rates leviable on Gas Boards for rate periods beginning after the thirty-first day of March, nineteen hundred and forty-nine, and before the first day of April, nineteen hundred and fifty-six.

(6) In this Act "excepted premises" means premises which are either—

(a) used as a dwelling-house, or

(b) occupied by a Gas Board wholly or mainly for the purposes of an undertaking for the supply of water,

and "penultimate year", in relation to a rate period, or in relation to a year, means the last but one year before that rate period or year.

Relief from rates for places of religious worship.

7.—(1) Subject to the provisions of this section, no hereditament to which this section applies shall, in the case of any rating area, be liable to be rated for any rate period beginning on or after the date of the coming into force of the first new valuation list for that area.

(2) This section applies to the following hereditaments, that is to say,—

- (a) places of public religious worship which belong to the Church of England or to the Church in Wales (within the meaning of the Welsh Church Act, 1914), or which are for the time being certified as required by law as places of religious worship, and
- (b) any church hall, chapel hall or similar building used in connection with any such place of public religious worship, and so used for the purposes of the organisation responsible for the conduct of public religious worship in that place,

and also applies to any hereditament consisting of such a place of public religious worship as is mentioned in paragraph (a) of this subsection together with one or more church halls, chapel halls or other buildings such as are mentioned in paragraph (b) thereof.

(3) Where a hereditament to which this section applies, or any part of such a hereditament, is or has been let (whether by way of a tenancy or of a licence) for use otherwise than as a place of public religious worship, or, as the case may be, for use otherwise than as mentioned in paragraph (b) of the last preceding subsection,—

- (a) the hereditament shall not be exempted by virtue of subsection (1) of this section from being rated for any rate period, if any payment in consideration of such a letting of the hereditament or part thereof accrued due in the last year before the beginning of that rate period, but
- (b) no gross value for rating purposes shall be ascribed to the hereditament unless the average annual amount of the payments accruing due, as consideration for such lettings of the hereditament or parts thereof, exceeds the average annual amount of the expenses attributable to those lettings, and
- (c) if such a gross value falls to be ascribed to the hereditament, by reason that the average annual amount of those payments exceeds the average annual amount of those expenses, the gross value shall be assessed by reference only to the amount of the excess.

(4) The Poor Rate Exemption Act, 1833, shall cease to have effect, as respects hereditaments in any rating area, as from the date of the coming into force of the first new valuation list for that area.

(5) Subject to the last preceding subsection, nothing in this section shall affect any exemption from, or privilege in respect of, rates under any enactment other than this section.

Provisions
as to rates
payable by
charitable
and other
organisations.

8.—(1) This section applies to the following hereditaments, that is to say—

- (a) any hereditament occupied for the purposes of an organisation (whether corporate or unincorporate) which is not established or conducted for profit and whose main objects are charitable or are otherwise concerned with the advancement of religion, education or social welfare ;
- (b) any hereditament held upon trust for use as an almshouse ;
- (c) any hereditament consisting of a playing field (that is to say, land used mainly or exclusively for the purposes of open-air games or of open-air athletic sports) occupied for the purposes of a club, society or other organisation which is not established or conducted for profit and does not (except on special occasions) make any charge for the admission of spectators to the playing field :

Provided that this section shall not apply to any hereditament to which section seven of this Act applies, or to any hereditament occupied by an authority having, within the meaning of the Local Loans Act, 1875, power to levy a rate.

(2) For the purposes of the making and levying of rates in a rating area, for the year beginning with the date of the coming into force of the first new valuation list for that area (in this section referred to as “the first year of the new list”), and for any subsequent year, the amount of rates chargeable in respect of a hereditament to which this section applies shall, subject to the following provisions of this section, be limited as follows, that is to say—

- (a) for the first year of the new list, the amount so chargeable shall not exceed the total amount of rates (including any special rates) which were charged in respect of the hereditament for the last year before the new list came into force ;
- (b) if, by virtue of the preceding paragraph, the amount of rates chargeable in respect of the hereditament is less than it would have been apart from that paragraph, the proportion by which it is thereby required to be reduced shall apply to any subsequent year during which the hereditament continues to be one to which this section applies, and accordingly the amount of rates chargeable in respect of the hereditament for any such year shall be reduced by that proportion :

Provided that this subsection shall have effect subject to the provisions of the Fifth Schedule to this Act in cases falling within that Schedule.

(3) Where paragraph (b) of the last preceding subsection has effect in the case of a hereditament, the rating authority may at any time give notice to the occupiers of the hereditament that, as from the end of a year specified in the notice, being a year ending not less than thirty-six months after the date on which the notice is given, the limitation imposed by virtue of that paragraph shall either cease to apply to the hereditament or shall be modified as mentioned in the notice ; and where such a notice is given—

- (a) if the notice states that the limitation shall cease to apply, paragraph (b) of the last preceding subsection shall not apply to the hereditament as respects any year beginning after the end of the year specified in the notice ;
- (b) if the notice states that the limitation shall be modified, then, subject to the operation of any further notice given under this subsection, the said paragraph (b) shall have effect in relation to the hereditament as respects any such year with the substitution, for the proportion mentioned in that paragraph, of such lesser proportion as may be specified in the notice.

(4) The rating authority for a rating area shall have power to reduce or remit the payment of any rate charged in respect of a hereditament to which this section applies for the first year of the new list or any subsequent year, including power further to reduce or to remit the payment of any rate in the case of which the amount chargeable is required to be reduced by virtue of the preceding provisions of this section.

(5) The preceding provisions of this section, and the provisions of the Fifth Schedule to this Act, shall have effect, with the necessary modifications, in relation to rates charged for a rate period forming part of the first year of the new list, or of any subsequent year, as they have effect in relation to rates charged for the first year of the new list or for any subsequent year, as the case may be.

(6) Nothing in this section shall affect any exemption from, or privilege in respect of, rates under any enactment other than this section.

9.—(1) For the purpose of ascertaining the gross value of a **Other reliefs** hereditament for rating purposes, no account shall be taken— **from rates.**

- (a) of any structure belonging to the Minister of Health and supplied by that Minister, or (before the thirty-first day of August, nineteen hundred and fifty-three) by the Minister of Pensions, for the accommodation of an invalid chair, or of any other vehicle (whether mechanically propelled or not) constructed or adapted for use by invalids or disabled persons ; or

- (b) of any structure belonging to a local health authority, or to a voluntary organisation formed for any of the purposes mentioned in subsection (1) of section twenty-eight of the National Health Service Act, 1946 (which relates to the prevention of illness, and to the care and after-care of persons suffering from illness or mental defectiveness), and supplied for the use of any person in pursuance of arrangements made under that subsection ; or
- (c) of any structure belonging to a local authority, within the meaning of section twenty-nine of the National Assistance Act, 1948 (which relates to welfare arrangements for blind, deaf, dumb and other handicapped persons), or to such a voluntary organisation as is mentioned in section thirty of that Act, and supplied for the use of any person in pursuance of arrangements made under the said section twenty-nine ; or
- (d) of any structure which is of a kind similar to structures such as are referred to in paragraph (a), paragraph (b) or paragraph (c) of this subsection, but does not fall within that paragraph by reason that it is owned or has been supplied otherwise than as mentioned in that paragraph.

(2) No sewer, as defined (outside London) by section three hundred and forty-three of the Public Health Act, 1936, or (in London) by section eighty-one of the Public Health (London) Act, 1936, shall be included in the first new valuation list for any rating area, or in any subsequent list ; and no such sewer shall in the case of any rating area be liable to be rated, or to be included in any rate, for any rate period beginning on or after the date on which the first new valuation list for that area comes into force.

(3) The last preceding subsection shall have effect in relation to any manhole, ventilating shaft, pumping station, pump or other accessory belonging to a sewer as it has effect in relation to the sewer.

(4) There shall not be included in the first new valuation list for any rating area, or in any subsequent list,—

- (a) any land which is occupied by a river board or other drainage authority and forms part of a main river for the purposes of Part II of the Land Drainage Act, 1930, or of a watercourse maintained by the authority, or
- (b) any structure or appliance maintained by a river board or other drainage authority, being a structure or appliance for controlling or regulating the flow of water in,

into or out of a watercourse which forms part of a main river for the purposes of the said Part II or is maintained by the authority ;

and no such land, structure or appliance shall in the case of any rating area be liable to be rated, or to be included in any rate, for any rate period beginning on or after the date on which the first new valuation list for that area comes into force :

Provided that nothing in this subsection shall confer any exemption in respect of any right of fishing or shooting which (apart from this subsection) constitutes a separate hereditament for rating purposes.

In this subsection " drainage authority " and " watercourse " have the same meanings as in the Land Drainage Act, 1930.

(5) Section fifty-six of the Act of 1948 (which provides that where the right to use land, including hoardings or other structures, for the purpose of exhibiting advertisements is separately let out or reserved, that right is to be treated as a separate hereditament for rating purposes) shall not apply to any right to use for that purpose any land forming part of a railway or canal hereditament (as defined by section eighty-six of that Act).

(6) Where a railway or canal hereditament is occupied by the British Transport Commission partly for non-rateable purposes within the meaning of Part V of the Act of 1948 (which relates to the rating of transport and electricity authorities) and partly for other purposes, and the other purposes consist of or include either or both of the following, that is to say,—

- (a) the letting out of rights such as are mentioned in the said section fifty-six, and
- (b) the use of the hereditament by the Commission for exhibiting advertisements thereon,

Part V of the Act of 1948 shall apply to the hereditament as if the purposes specified in paragraphs (a) and (b) of this subsection were included among the purposes specified in section eighty-six of that Act as non-rateable purposes.

(7) The two last preceding subsections shall cease to have effect on such date as the Minister may by order appoint.

10.—(1) The police authority for any police area shall have, and shall be deemed always to have had, power to incur expenses in the making of contributions in aid of rates in respect of hereditaments, whether in the police area or elsewhere, which are occupied for the purposes of the police force for that area, being hereditaments in respect of which no rates are paid ; and

Contributions
in aid of rates
by police
authorities.

any expenses so incurred by the police authority for an area shall be treated as expenses incurred for the purposes of the police force for that area.

(2) Where a contribution is made under this section in respect of a hereditament, for a year beginning on or after the date of the coming into force of the first new valuation list for the rating area in which the hereditament is situated, the value upon which that contribution is computed shall be entered in the valuation list as representing the rateable value of the hereditament; and the value so entered, or the amount of the contribution, as the case may be, shall be taken into account for the purpose of ascertaining totals or the proceeds of any rate for that rating area:

Provided that this subsection shall have effect subject to the provisions of the Sixth Schedule to this Act in the case of any such contribution made for the year beginning with the date of the coming into force of the said first new valuation list.

(3) Nothing in the last preceding subsection shall be construed as requiring a gross value to be determined or entered in the valuation list in the case of a hereditament in respect of which a contribution is made under this section.

(4) In the application of this section to the metropolitan police district, any reference to the police authority shall be construed as a reference to the Receiver for the Metropolitan Police District.

Provisions as to water rates in connection with new valuation lists.

11.—(1) Where a period for which (apart from this section) water rates to which this section applies would be charged by statutory water undertakers is a period of twelve months beginning on or after the first day of January and before the end of the month of June in a calendar year which includes the date of the coming into force of new valuation lists, the undertakers may, if they so determine, charge those rates by making a water rate for each of two successive periods (in this section referred to as “the first special period” and “the second special period” respectively).

(2) This section applies to any water rates calculated by reference to values as shown in valuation lists.

(3) Where statutory water undertakers exercise the power conferred by subsection (1) of this section—

(a) the first special period shall be a period beginning with the date of commencement of the period of twelve months referred to in that subsection, and ending not later than the end of the month of September next following that date, and, subject to the preceding provisions of this paragraph, shall be a period of three, six or nine months, as the undertakers may determine, and

(b) the second special period shall be the balance of the said period of twelve months.

(4) For the purposes of a water rate made for the first special period, where that period begins on or after the date on which the new valuation lists come into force, those lists shall be treated as not having come into force, and the valuation lists in force immediately before that date shall be treated as continuing in force until the end of that period.

(5) Subject to the following provisions of this section, any statutory provisions which apply to water rates to which this section applies, and would (apart from this section) have had effect in relation to such water rates charged for the period mentioned in subsection (1) of this section, shall have the like effect in relation to water rates made in accordance with this section.

(6) Where by any such statutory provisions the maximum or minimum amount of a water rate, or of the rate poundage for the purpose of calculating a water rate, is prescribed (otherwise than in such terms as to be reducible proportionately when applied to a period of less than twelve months), that maximum or minimum amount shall, for the purposes of a water rate made for the first or second special period, be treated as reduced in proportion to the difference between the duration of the special period in question and a full period of twelve months.

(7) Where in accordance with any such statutory provisions water rates are payable by half-yearly instalments, and either the first special period or the second special period is a period of three months or of nine months, the undertakers may require the water rate for that period—

- (a) if the period is a period of three months, to be paid by a single payment, or
- (b) if the period is a period of nine months, to be paid either by three quarterly instalments or by one half-yearly and one quarterly instalment, as the undertakers may determine.

(8) In this section “statutory water undertakers” has the same meaning as in the Water Act, 1945, and “statutory provisions” means provisions contained in an enactment (including a local enactment) or contained in an instrument having effect by virtue of an enactment.

In this subsection “local enactment” means a local or private Act of Parliament or an order confirmed by Parliament or brought into operation in accordance with special parliamentary procedure.

Increase of
controlled
rent in
consequence
of revaluation.

12.—(1) The provisions of this section shall have effect in relation to a dwelling-house to which the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, applies (in this section referred to as “the dwelling-house”), where, at any time within the year beginning with the date of the coming into force of a new valuation list for the rating area in which the dwelling-house is situated, an increase in the rent payable in respect of the dwelling-house would, apart from this section and from the provisions of subsection (7) of section one of this Act, be permitted by paragraph (b) of subsection (1) of section two of the said Act of 1920 (which provides for increases of rent in respect of increases in the amounts payable by the landlord for rates).

In the following provisions of this section “relevant notice of increase” means a notice, served in conformity with subsection (2) of section three of the said Act of 1920, of the intention of the landlord to bring into effect such an increase in rent as is mentioned in this subsection, and “relevant rent”, in relation to such a notice, means rent which (apart from this section and from subsection (7) of section one of this Act) would include an amount recoverable by the landlord by virtue of that notice.

(2) A relevant notice of increase, which is served before the end of the year mentioned in the preceding subsection, shall not have effect unless it is accompanied by a statement containing such information as may be prescribed with regard to the rights of the tenant in consequence of the following provisions of this section.

(3) If, where the landlord serves a relevant notice of increase, a proposal (in this section referred to as “the proposal”) is made (whether before or after the service of that notice) in such circumstances that the provisions of subsection (7) of section one of this Act have effect in relation to the dwelling-house or to a hereditament of which the dwelling-house forms part, the tenant, at any time before the proposal is settled, may serve on the landlord a notice (in this section referred to as a “suspense notice”) requiring the increase of rent to be suspended.

(4) Where a suspense notice is served, then, as respects any rent accruing due within the period beginning with the service of the notice of increase, and ending with the date on which, after the proposal is settled, the next demand for rates in respect of the dwelling-house is made (in this section referred to as “the period of suspense”), the said Act of 1920 shall have effect, subject to the two next following subsections, as if no relevant notice of increase had been served:

Provided that any rent actually paid before the service of a suspense notice shall not be recoverable by virtue of this subsection.

(5) Where a suspense notice has been served,—

- (a) if the result of the proposal, when it is settled, is that no alteration is made in the valuation list in respect of the valuation to which the proposal related, the landlord may serve on any person, from whom any relevant rent accrued due within the period of suspense, a notice specifying the unpaid balance of any such rent which would have been recoverable from him if the suspense notice had not been served ;
- (b) if the result of the proposal is that an alteration is made in the valuation list, but the alteration is such that there is still an increase in the amount payable by the landlord in respect of rates, the landlord may serve on any such person a notice specifying the unpaid balance of any such rent which would have been recoverable from him if—
 - (i) the suspense notice had not been served, and
 - (ii) the increase of rent specified in the relevant notice of increase had been such lesser increase as would have been permissible if the valuation list, as from the time when it came into force, had had effect as modified by the alteration.

(6) Any sum specified in a notice under the last preceding subsection shall be recoverable by the landlord from the person on whom the notice is served, and, if that person is the tenant of the dwelling-house, shall be recoverable as if it were arrears of rent :

Provided that a sum recoverable by virtue of this subsection shall not be treated as arrears of rent for the purposes of any proceedings for the recovery of possession of the dwelling-house.

(7) If, where the landlord has served a relevant notice of increase, the tenant does not serve a suspense notice, but the result of the proposal, when it is settled, is that an alteration is made in the valuation list so as to reduce the valuation to which the proposal related, any person who paid any relevant rent accruing due before the date on which the next demand for rates in respect of the dwelling-house is made—

- (a) shall be entitled to recover so much of that rent as would not have been recoverable by the landlord if the relevant notice of increase had specified such lesser increase (if any) as would have been permissible if the valuation list, as from the time when it came into force, had had effect as modified by the alteration, or
- (b) in a case where, in those circumstances, no such increase would have been permissible, shall be entitled to recover so much of that rent as would not have been

recoverable by the landlord if the relevant notice of increase had not been served ;

and any rent recoverable by virtue of this subsection shall be recoverable from the person (if any) who on the said date is the immediate landlord of the tenant of the dwelling-house (being a tenant of the whole of the dwelling-house who has no sub-tenant of the whole of the dwelling-house) or, if there is then no such tenant, shall be recoverable from the person who is then the owner of the dwelling-house.

(8) Subject to the preceding provisions of this section, a relevant notice of increase (whenever served) shall have effect, and any relevant rent shall be recoverable, as if subsection (7) of section one of this Act had not been enacted.

(9) The provisions of this section shall have effect, with the necessary modifications, in relation to a notice served under subsection (4) of section seven of the Increase of Rent and Mortgage Interest (Restrictions) Act, 1938, (which relates to notices served on prospective tenants) as if it were a notice served under subsection (2) of section three of the said Act of 1920.

(10) The power of the Minister to make regulations under section fourteen of the Rent and Mortgage Interest Restrictions (Amendment) Act, 1933, shall include power to make regulations—

- (a) for prescribing the information to be contained in such a statement as is mentioned in subsection (2) of this section ;
- (b) for prescribing the form of any notice to be served in accordance with the preceding provisions of this section.

(11) For the purposes of this section—

- (a) “ dwelling house ”, “ landlord ” and “ tenant ” have the same meanings as in the said Act of 1920 ;
- (b) subsection (8) of section one of this Act shall apply as it applies for the purposes of subsection (7) of that section ;
- (c) any reference to a demand for rates in respect of the dwelling-house includes a reference to a demand for rates in respect of a hereditament of which the dwelling-house forms part ;
- (d) rent shall be treated as accruing due on the day on which it is payable in accordance with the terms of the relevant contract of tenancy, or of the relevant statutory tenancy (within the meaning of the Housing Repairs and Rents Act, 1954), as the case may be.

13.—(1) The Minister may make an order regulating the fees, charges for charges and expenses in respect of, and incidental to, the levying levying distress of distress for rates. for rates.

(2) Without prejudice to the generality of the preceding subsection, an order under this section may include provision as to fees, charges and expenses in cases where, in pursuance of an agreement in that behalf, the goods distrained are not removed from the premises where the distress is levied, whether any person is left in physical possession of the goods or not.

(3) An order under this section may contain such incidental and supplementary provisions (including provisions as to the settlement of disputes with respect to any fees, charges or expenses to which the order relates) as may appear to the Minister to be necessary or expedient for the purposes of the order.

(4) On the coming into operation of an order under this section the Distress (Costs) Act, 1817, as extended by the Distress (Costs) Act, 1827 (which make provision as to the costs and expenses chargeable in respect of the levying of certain distresses, including distress for rates), shall cease to apply to distress for rates, and in section one of the Distress for Rates Act, 1849 (which relates to warrants for distress) the reference to reasonable charges, in relation to distress for rates, shall be construed as a reference to the fees, charges and expenses chargeable in accordance with any order for the time being in force under this section.

14. There shall be paid out of moneys provided by Financial Parliament— provisions.

- (a) any increase attributable to the passing of this Act in the sums payable out of moneys so provided under Part I or Part II of the Act of 1948, or under the Local Government (Financial Provisions) (Scotland) Act, 1954 ;
- (b) any increase attributable to the provisions of section ten of this Act in the sums payable out of moneys so provided under section three of the Miscellaneous Financial Provisions Act, 1950 (which relates to grants in respect of expenses incurred for the purposes of police forces) ;
- (c) any increase attributable to the provisions of section six of this Act, and of the Fourth Schedule thereto, in the sums payable out of moneys so provided under any other enactment.

15. The amendments specified in the Seventh Schedule to this Act, being amendments consequential on the preceding provisions of this Act or amendments of a minor character, shall be made in the enactments specified in that Schedule, and the amendments specified in the Eighth Schedule to this Act are Consequential and minor amendments, and repeal of enactments.

hereby repealed to the extent specified in the third column of the said Eighth Schedule :

Provided that the amendments specified in Parts III and IV of the Seventh Schedule to this Act, and the repeals specified in Part II of the Eighth Schedule to this Act, shall have effect only in relation to the first new valuation lists and subsequent lists, or, as the case may require, in relation to the making and levying of rates by reference to such lists, and shall not affect any valuation list in force on the date of the passing of this Act, or any rate made by reference to a list in force on that date.

Interpretation,
and provisions
as to
regulations
and orders.

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

“ the Act of 1925 ” means the Rating and Valuation Act, 1925 ;

“ the Act of 1948 ” means the Local Government Act, 1948 ;

“ Gas Board ” means an Area Board within the meaning of the Gas Act, 1948 ;

“ London ” means the administrative county of London ;

“ the Minister ” means the Minister of Housing and Local Government ;

“ new valuation list ” means a valuation list coming into force after the passing of this Act ;

“ rate period ” means a year or part of a year, being a year or part for which a rate is made ;

“ the valuation officer ” has the same meaning as in Part III of the Act of 1948 ;

“ year ” (except where otherwise defined, or where the reference is expressly to a calendar year) means a period of twelve months beginning with the first day of April.

(2) The definitions of the expressions “ rate ”, “ rating area ”, “ rural rating area ”, “ owner ” and “ hereditament ” in section sixty-eight of the Act of 1925 shall apply for the purposes of this Act and (in the application of this Act to London) shall so apply as if that Act extended to London.

(3) Any reference in this Act to the alteration of a valuation list includes a reference to the insertion in the list, or the omission from the list, of a hereditament.

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

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

(6) Any order made under any provision of this Act may be varied or revoked by a subsequent order thereunder.

17.—(1) This Act may be cited as the Rating and Valuation (Miscellaneous Provisions) Act, 1955. Short title,
operation of
Act, and
extent.

(2) Except where in this Act it is otherwise expressly provided, nothing in this Act shall operate so as to require any alteration of a valuation list in force at the passing of this Act, or so as to affect any alteration in such a list which would fall to be made apart from this Act, or so as to affect any proceedings or other step taken for the purpose of altering such a list.

(3) The provisions of this Act shall, in relation to the Isles of Scilly, have effect subject to such modifications as the Minister may by order direct.

(4) The provisions of subsection (5) of section six of this Act, and the Fourth Schedule to this Act, shall extend to Scotland, in so far as they affect the calculation of the amount of any grant payable out of moneys provided by Parliament under any enactment applying to Scotland; and the provisions of section fourteen of this Act shall extend to Scotland in so far as they relate to sums payable in Scotland.

(5) Subject to the last preceding subsection, this Act shall not extend to Scotland or to Northern Ireland.

SCHEDULES

FIRST SCHEDULE

Section 2.

AMENDMENT OF SECTION FORTY-ONE OF LOCAL GOVERNMENT ACT, 1948

PART I

Subsections (1) to (3) as amended by this Act

- “(1) Every proposal must—
- (a) be made in writing and, except where it is made by the valuation officer, be served on the valuation officer;
 - (b) specify the grounds on which the proposed alteration is supported;
 - (c) comply with any requirements of any regulations made by the Minister with respect to the form of proposals and otherwise with respect to the making thereof.

1ST SCH.
—cont.

(2) The valuation officer shall, within twenty-eight days after the date on which a proposal is served on him, or within seven days after the date on which a proposal is made by him, as the case may be, transmit a copy thereof, together with a statement in writing of the right of objection conferred by the subsequent provisions of this section, to each of the following persons, not being the maker of the proposal, that is to say—

- (a) the occupier of the hereditament to which the proposal relates; and
- (b) the rating authority for the area in which the hereditament in question is situated.

(3) Any of the following persons, that is to say, the owner or occupier of the whole or any part of a hereditament to which a proposal relates or the rating authority for the area in which the hereditament is situated may, within twenty-eight days from the date on which notice is served under subsection (2) of this section on the occupier or, in the case of the rating authority (where they are not the occupier), on the rating authority, serve on the valuation officer notice in writing of objection to the proposal, and the valuation officer shall, within twenty-eight days of the date on which a notice of objection is served on him, transmit a copy thereof to the maker of the proposal.”

PART II

Provisions substituted for subsections (4) to (7)

“ (4) Where in the case of a proposal—

- (a) no notice of objection is served within the time limited by the last preceding subsection, or every such notice is unconditionally withdrawn, and
- (b) either the proposal was made by the valuation officer or he is satisfied that the proposal is well-founded,

the valuation officer shall cause the valuation list to be altered so as to give effect to the proposal.

(5) Where the conditions specified in the last preceding subsection are not fulfilled in the case of a proposal, but—

- (a) all the persons whose agreement is requisite agree on an alteration of the list (whether the alteration is that specified in the proposal or another alteration), and
- (b) the agreement is reached without, or before the determination of, any appeal to a local valuation court, or reference to arbitration, with respect to an objection to the proposal,

the valuation officer shall cause that alteration to be made in the list.

(6) In the case of a proposal to which neither of the two last preceding subsections applies,—

- (a) if notice of objection to the proposal has been served and not unconditionally withdrawn, and the proposal is not withdrawn, the valuation officer may, at any time within the period of six months beginning with the relevant date, and shall, not

later than the end of that period, transmit a copy of the proposal, and of every notice of objection thereto which has not been unconditionally withdrawn, to the clerk to the appropriate local valuation panel;

- (b) if the proposal was made otherwise than by the valuation officer, he may, at any time within the period of five months beginning with the relevant date, give notice in writing to the person who made the proposal that he objects to the proposal, and that the said person, if he does not withdraw the proposal within fourteen days, will be treated as intending to appeal against the valuation officer's objection to the proposal;
- (c) not less than fourteen nor more than twenty-eight days after the valuation officer has given a notice under the last preceding paragraph, he shall, unless the proposal has then been withdrawn, transmit a copy of the proposal to the clerk to the appropriate local valuation panel, together with a copy of the notice under the last preceding paragraph, and of any notice of objection to the proposal which has been served under subsection (3) of this section and has not been unconditionally withdrawn;
- (d) if at the end of the period of six months beginning with the relevant date the valuation officer has not given a notice under paragraph (b) of this subsection, and no notice of objection under subsection (3) of this section has been served, or every such notice of objection has been unconditionally withdrawn, then the valuation officer shall be taken to be satisfied that the proposal is well-founded, and subsection (4) of this section shall apply accordingly.

(7) Where, in accordance with the last preceding subsection, the valuation officer transmits a copy of a proposal to the clerk to a local valuation panel,—

- (a) he shall forthwith notify the fact that he has done so to the person who made the proposal, to any person who served a notice of objection of which a copy is transmitted with the copy of the proposal, and to the rating authority; and
- (b) the transmission of a copy of a proposal under the last preceding subsection shall have effect as an appeal to a local valuation court, by the person who made the proposal, against every objection (whether of the valuation officer or of any other person) signified by a notice of which a copy is transmitted with the copy of the proposal.

(8) The persons whose agreement is requisite for the purposes of paragraph (a) of subsection (5) of this section are—

- (a) the valuation officer;
- (b) the person who made the proposal, where the proposal was not made by the valuation officer;
- (c) any person who has served, and has not unconditionally withdrawn, a notice of objection to the proposal;
- (d) the occupier of the hereditament to which the proposal relates, if he is not included by virtue of either of the two last preceding paragraphs; and

1ST SCH
—cont.

- (e) the rating authority (if not included by virtue of any of the preceding paragraphs), unless they have notified the valuation officer that they do not desire to be included by virtue of this paragraph, either generally or as respects a class of hereditaments which includes the hereditament to which the proposal relates;

and for the purposes of subsection (6) of this section the appropriate local valuation panel is the local valuation panel from the members of which the local valuation court which is to hear the appeal falls to be constituted, and the relevant date—

- (i) in the case of a proposal made by the valuation officer, is the date on which the proposal was made, and
(ii) in the case of any other proposal, is the date on which the proposal was served on the valuation officer.”

Section 5.

SECOND SCHEDULE

DEDUCTIONS FROM GROSS VALUE

(1) Gross value	(2) Deduction from gross value outside London	(3) Deduction from gross value in London
Not exceeding £15 ...	40 per cent. of the gross value.	40 per cent. of the gross value.
Exceeding £15 but not exceeding £20.	£6 together with 30 per cent. of the amount by which the gross value exceeds £15.	£6 together with 30 per cent. of the amount by which the gross value exceeds £15.
Exceeding £20 but not exceeding £40.	£7, or 25 per cent. of the gross value, whichever is the greater.	£7 together with 25 per cent. of the amount by which the gross value exceeds £20.
Exceeding £40 but not exceeding £100.	£10, or 20 per cent. of the gross value, whichever is the greater.	£12 together with 20 per cent. of the amount by which the gross value exceeds £40.
Exceeding £100 ...	£20 together with 16½ per cent. of the amount by which the gross value exceeds £100.	£24, or £20 together with 16½ per cent. of the amount by which the gross value exceeds £100, whichever is the greater.

Section 6.

THIRD SCHEDULE

NEW PROVISIONS FOR RATING GAS BOARDS

PART I

Calculation of rateable value on which rates are to be assessed

1. The provisions of this Part of this Schedule shall have effect for the purpose of calculating, for any rate period, the rateable value of the hereditament which a Gas Board is to be treated as occupying as mentioned in subsection (1) of section six of this Act.

2.—(1) As soon as may be after the passing of this Act, the Minister shall issue to each Gas Board a certificate specifying the amount which, for the purposes of this Part of this Schedule, is to be the Board's basic total of rateable values.

3RD SCH.
—cont.

(2) In determining that amount, in the case of a Gas Board, the Minister shall have regard to the aggregate of the rateable values, on the first day of May, nineteen hundred and forty-nine, of the premises, other than excepted premises, which were occupied by the Board on that day, subject to any such adjustment of that aggregate as, in the case of that Board, the Minister may consider appropriate in view of—

- (a) any determination, under section eighteen of the Gas Act, 1948, whereby premises, which were not occupied by the Board on that day, vested in the Board by virtue of that Act, or whereby premises which were occupied by the Board on that day vested in another person, or
- (b) any transfer of property between that Board and another Gas Board in pursuance of an order under section six or section twenty-four of that Act, or
- (c) any other circumstances appearing to the Minister to be relevant in the case of that Board.

3.—(1) As soon as may be after the passing of this Act, the Minister of Fuel and Power shall issue to each Gas Board a certificate specifying the number which, for the purposes of this Part of this Schedule, is to be the Board's standard number of therms.

(2) The number so certified, in the case of any Board, shall be the total number of therms estimated by the said Minister to have been supplied, in the year beginning with the first day of April, nineteen hundred and forty-eight, to consumers in the area of that Board, by persons any of whose property or rights vested in any Gas Board by virtue of the Gas Act, 1948.

4.—(1) For each year beginning after the thirty-first day of March, nineteen hundred and fifty-six, each Gas Board's basic total of rateable values shall be adjusted and apportioned in accordance with the following provisions of this paragraph.

(2) For each such year each Gas Board shall—

- (a) estimate the total number of therms supplied by the Board in the penultimate year to consumers in their area, and
- (b) calculate and certify the amount by which that total exceeds, or falls short of, the Board's standard number of therms;

and the Board's basic total of rateable values shall be adjusted for that year by multiplying it by the fraction of which—

- (i) the numerator is the Board's standard number of therms increased by one-fifth of the said excess, or, as the case may be, decreased by one-fifth of the said deficiency, and
- (ii) the denominator is the Board's standard number of therms.

(3) The said basic total, as adjusted for any year under the last preceding sub-paragraph, shall be apportioned for that year among all the rating areas in which any therms were supplied by the Board to consumers, or manufactured by the Board, in the penultimate year;

3RD SCH.
—cont.

and the proportion of the adjusted total to be allocated to any one of those areas shall be ascertained by multiplying the adjusted total by the fraction of which—

- (a) the numerator is the number of therms supplied by the Board to consumers in that area in the penultimate year, as estimated and certified by the Board, plus nine-tenths of the number of therms (if any) manufactured in that area by the Board in the penultimate year, as so estimated and certified, and
- (b) the denominator is the total number of therms supplied by the Board to consumers in the area of the Board in the penultimate year, as estimated and certified by the Board, plus nine-tenths of the total number of therms manufactured by the Board in the penultimate year, as so estimated and certified.

5. The amount which, in accordance with the last preceding paragraph, is allocated for any year to a rating area, in the case of a Gas Board, shall be the rateable value of the hereditament which that Board is to be treated as occupying in that area for any rate period consisting or forming part of that year.

PART II

Supplementary Provisions

6. As respects each rating area in which a Gas Board will fall to be treated as occupying, during any rate period, a hereditament of a rateable value calculated in accordance with Part I of this Schedule, it shall be the duty of the Board, before the end of the month of October preceding the beginning of that period, to transmit to the rating authority for that area, and to the valuation officer for that area, a statement setting out particulars of all the matters estimated, calculated and certified for the purpose of computing the rateable value of that hereditament.

7. On receipt of a statement under the last preceding paragraph, the valuation officer shall calculate the rateable value of the hereditament which the Gas Board are to be treated as occupying during the rate period in question, and shall notify the amount of that rateable value to the rating authority before the end of the month of December preceding the beginning of that rate period.

8. The duty imposed on a Gas Board by paragraph 6 of this Schedule shall be enforceable by mandamus at the instance of the rating authority or of the valuation officer; and the duty imposed on the valuation officer by the last preceding paragraph shall be enforceable by mandamus at the instance of the rating authority.

9. Where the valuation officer for a rating area notifies the amount of a rateable value to the rating authority, in respect of a Gas Board, in accordance with paragraph 7 of this Schedule,—

- (a) the rating authority, in making and levying any rate for a rate period to which the notification relates, and in compiling any rate book relating to such a rate, shall include the Gas Board as the occupiers of a hereditament of that rateable value; and

- (b) the valuation officer, at or as soon as may be after the beginning of the year consisting of or comprising any such rate period, shall cause such alterations (if any) to be made in the valuation list for that area as may be requisite for showing the Gas Board in the list as the occupiers of a hereditament of that rateable value; and if any such alteration is made after the beginning of the year, it shall be treated as having been made at the beginning of the year:

3RD SCH.
—cont.

Provided that, if the year referred to in sub-paragraph (b) of this paragraph is a year beginning with the date on which a new valuation list for that area comes into force, that sub-paragraph shall not apply, but the valuation officer shall include the Gas Board in the list as the occupiers of a hereditament of the said rateable value.

10. No proposal shall be made under Part III of the Act of 1948 for the alteration of a valuation list in so far as it relates to a hereditament included in the list by virtue of the last preceding paragraph.

11. The valuation officer for a rating area shall from time to time—

- (a) cause such alterations to be made in the valuation list for that area as may be requisite for deleting from the list any hereditament which, by virtue of subsection (2) of section six of this Act, is not liable to be rated;
- (b) make such proposals, under Part III of the Act of 1948, as may be requisite for excluding from the list any premises which form part of a hereditament shown in the list and which, by virtue of that subsection, are not liable to be rated, and for including in the list, as one or more separate hereditaments, so much of any such hereditament as remains liable to be rated;
- (c) make such proposals under the said Part III as may be requisite for altering the list in consequence of any event whereby premises cease to be within the exemption from rating conferred by subsection (2) of section six of this Act.

12.—(1) The provisions of this paragraph shall have effect in the case of a Gas Board, where gas is manufactured by the Board in a gasworks which is situated partly in one rating area and partly in one or more other rating areas.

(2) For the purposes of subsection (1) of section six of this Act, the Gas Board shall be treated as manufacturing gas in each of the rating areas in which a part of the gasworks is situated, notwithstanding that no gas is actually manufactured in one or more of those areas.

(3) For the purposes of paragraph 4 of this Schedule, the gas manufactured in the gasworks in any year shall be treated as apportioned between all the rating areas in which parts of the gasworks are situated, in such proportions as may be agreed between the rating authorities of those areas and the Gas Board:

Provided that if any apportionment required by this sub-paragraph, for the purpose of apportioning the Board's adjusted total of rateable values for any year, has not been agreed between the rating authorities and the Board before the end of the month of September preceding

3RD SCH.
—cont.

the beginning of that year, the apportionment required by this subparagraph shall be made by the Minister and notified by him to the rating authorities and to the Board as soon as may be after the end of that month.

(4) In this paragraph "gasworks" means any group of premises within one curtilage which is occupied by a Gas Board for the purposes of the manufacture of gas:

Provided that a group of premises shall not be treated as being otherwise than within one curtilage by reason only that it is traversed by a public highway.

13. The powers conferred on the Minister of Fuel and Power by subsection (6) of section six of the Gas Act, 1948, and by subsection (3) of section twenty-four of that Act (which authorise that Minister, in an order varying the area of a Gas Board, or transferring property between Gas Boards, to provide for certain matters arising out of the variation or transfer) shall include power, by an order made thereunder, to modify the application of Part I of this Schedule, and the preceding provisions of this Part of this Schedule, in the case of any Gas Board affected by the order.

14. In this Part of this Schedule references to the valuation officer for a rating area are references to any person who is the valuation officer in relation to the valuation list for that area.

Sections 6, 14,
17.

FOURTH SCHEDULE

TRANSITIONAL PROVISIONS RELATING TO GAS BOARDS

1. For the purposes of the levying of rates on Gas Boards for any rate period beginning after the thirty-first day of March, nineteen hundred and forty-nine, and before the first day of April, nineteen hundred and fifty-two,—

- (a) any alteration made in a valuation list after the eighteenth day of March, nineteen hundred and fifty-five, shall be disregarded, and
- (b) without prejudice to any alteration made on or before that day, no effect shall be given after the passing of this Act to any proposal for altering a valuation list.

2.—(1) For the purposes of the levying of rates by a rating authority on a Gas Board for any rate period beginning after the thirty-first day of March, nineteen hundred and fifty-two, and before the first day of April, nineteen hundred and fifty-six, there shall be calculated what amount of rates would have been so leviable in the following circumstances, that is to say, if—

- (a) the provisions of section six of this Act, and of the Third Schedule to this Act, had been in operation during that rate period, and
- (b) references in those provisions to the thirty-first day of March, nineteen hundred and fifty-six, had been references to the thirty-first day of March, nineteen hundred and fifty-two;

and, if the amount calculated in accordance with the preceding provisions of this subparagraph is less than the total amount of rates

actually levied on the Board by that rating authority for that rate period, the difference shall be repaid or allowed, or, if the amount so calculated is greater than the amount actually levied, the difference shall be paid and may be recovered as if it were arrears of those rates:

4TH SCH
—cont.

Provided that, if the rates levied by the rating authority for the rate period in question included any charge imposed separately on a part of the rating area (whether by means of a special rate or as an additional item of the general rate), so much of any rates leviable on the Board as was attributable to that charge shall be disregarded in ascertaining the total amount of rates actually levied on the Board for that rate period.

(2) For the purpose of calculating what amount of rates would have been leviable for a rate period in the circumstances mentioned in the preceding sub-paragraph—

- (a) any certificate issued under Part I of the Third Schedule to this Act shall have effect as if it had been issued at the beginning of that rate period, and
- (b) as regards any excepted premises which, in that rate period, formed part of a hereditament shown in the valuation list and which, if those circumstances had existed, would have fallen to be included in the list as a separate hereditament in accordance with paragraph 11 of the Third Schedule to this Act, any determination of value in consequence of a proposal made under that paragraph, if the proposal is made within twelve months after the passing of this Act, shall have effect as if that determination had been made at the beginning of that rate period.

3.—(1) Paragraphs 6 to 8 of the Third Schedule to this Act shall apply for the purposes mentioned in sub-paragraph (1) of the last preceding paragraph, as if the circumstances mentioned in that sub-paragraph had existed, with the modification that anything required by those paragraphs to be done before the end of the month of October or December, as the case may be, shall be done as soon as may be after the passing of this Act.

(2) In the application of paragraph 12 of the Third Schedule to this Act for the said purposes, sub-paragraph (3) of that paragraph shall apply with the substitution, for the words “before the end of the month of September preceding the beginning of that year”, of the words “within three months after the passing of this Act”, and for the words “after the end of that month”, of the words “after it has been made by him”.

4. If the rateable value by reference to which rates would have been leviable by a rating authority on a Gas Board for such a rate period as is mentioned in sub-paragraph (1) of paragraph 2 of this Schedule would, if the circumstances mentioned in that sub-paragraph had existed, have been greater or less than the rateable value, or aggregate of rateable values, by reference to which rates are or were so leviable apart from that sub-paragraph, then—

- (a) the former rateable value shall be treated as substituted for the latter rateable value, or aggregate of rateable values, for

4TH SCH.
—*cont.*

the purpose of calculating the amount of any Exchequer Equalisation Grant payable under Part I or Part II of the Act of 1948 in respect of that rate period, or any year comprising that rate period;

- (b) any amount repayable or allowable to the Gas Board by the rating authority, or recoverable from the Board by that authority, by virtue of paragraph 2 of this Schedule, shall be subtracted from, or, as the case may be, added to, the proceeds of the rates leviable by that authority in respect of the year in which that amount is found to be so repayable, allowable or recoverable; and
- (c) for the purposes of any power to issue precepts, or of calculating the amount of any Exchequer Equalisation Grant or other sum payable out of moneys provided by Parliament under any enactment, the amount of those proceeds, or the gross rate income for that year of the rating area of that authority, or of any part of that area, as the case may require, shall be treated as reduced or increased accordingly.

5. The last preceding paragraph shall apply in relation to payments under section ten of the Act of 1948 (which relates to payments by the London County Council to metropolitan boroughs) as that paragraph applies in relation to Exchequer Equalisation Grants.

Section 8.

FIFTH SCHEDULE

ADJUSTMENT OF RATES PAYABLE BY CHARITABLE AND OTHER ORGANISATIONS

1.—(1) The provisions of this Schedule shall have effect for the purposes of subsection (2) of section eight of this Act (in this Schedule referred to as “the principal section”).

(2) In this Schedule “the first year of the new list”, in relation to a hereditament, has the same meaning as in the principal section, and “the last year of the old list” means the year immediately preceding the beginning of the first year of the new list.

2. If, by reason of any structural alteration or other event occurring in the case of a hereditament after the beginning of the last year of the old list, an alteration has been made (whether before or after the passing of this Act) in the valuation list in force in that year with respect to the rateable value of the hereditament, then, for the purposes of paragraph (a) of subsection (2) of the principal section, and for the purposes of the following provisions of this Schedule, any reference to the total amount of rates (including any special rates) which were charged or would have been chargeable in respect of the hereditament for that year, or for any part of that year, shall be construed as a reference to the total amount of such rates which would have been chargeable if the rateable value as so altered had been shown in the valuation list as from the beginning of that year.

3. If, by reason of any structural alteration or other event occurring in the case of a hereditament within the first year of the new list, an alteration is made in the valuation list with respect to the rateable value of the hereditament, and accordingly rates are charged in respect of the hereditament for that year partly by reference to one rateable

value, for the period before that structural alteration or event, and partly by reference to another rateable value, for the period thereafter, then subsection (2) of the principal section shall not apply, but—

5TH SCH.
—cont.

- (a) the amount of rates chargeable in respect of the hereditament for the earlier of those periods shall not exceed the total amount of rates (including any special rates) which would have been chargeable in respect of the hereditament for a corresponding proportion of the last year of the old list; and
- (b) if, by virtue of the preceding sub-paragraph, the amount of rates chargeable in respect of the hereditament for the period referred to in that sub-paragraph is less than it would have been apart from that sub-paragraph, the proportion by which it is thereby required to be reduced shall apply to the later of the two periods referred to in this paragraph, and to any year subsequent to the first year of the new list, and accordingly the amount of rates chargeable in respect of the hereditament for that later period, or for any such subsequent year, as the case may be, shall be reduced by that proportion.

4. Where, by virtue of the last preceding paragraph, subsection (2) of the principal section does not apply in the case of a hereditament, any reference in subsection (3) of that section to paragraph (b) of the said subsection (2) shall be construed as a reference to the corresponding provisions of the last preceding paragraph:

Provided that a notice given for the purposes of the said subsection (3) shall not be invalid by reason only that it refers (expressly or by implication) to paragraph (b) of the said subsection (2) and not to the corresponding provisions of the last preceding paragraph.

5.—(1) Where a hereditament is one to which the principal section applies for a part, but not the whole, of the first year of the new list, or of any subsequent year, the principal section, and the preceding provisions of this Schedule, shall have effect in relation to the hereditament subject to such modifications as may be requisite for securing—

- (a) that the amount of rates chargeable in respect of the hereditament shall not be reduced, and no remission or reduction of rates shall be granted in respect thereof, for that part of the year for which the hereditament is not a hereditament to which the principal section applies, and
- (b) that any proportion by which the amount of rates chargeable in respect of the hereditament would (apart from this sub-paragraph) be required to be reduced shall be adjusted proportionately.

(2) Where a hereditament was a hereditament to which the principal section applies (or would have been a hereditament to which it applied if it had then been in force) for a part, but not the whole, of the last year of the old list, the principal section, and the preceding provisions of this Schedule, shall have effect in relation to the hereditament subject to such modifications as may be requisite for securing that any amount calculated by reference to the rates which were or would have been chargeable in respect of the hereditament for that year or a part of that year shall be adjusted proportionately to the part of that year first mentioned in this sub-paragraph.

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Section 10.

SIXTH SCHEDULE

CONTRIBUTIONS IN AID OF RATES IN RESPECT OF POLICE PROPERTIES IN
FIRST YEAR OF NEW VALUATION LIST

1. The provisions of this Schedule shall have effect where—
 - (a) a contribution is made under section ten of this Act in respect of a hereditament which was occupied for the purposes of a police force on the date of the coming into force of the first new valuation list for the rating area in which the hereditament is situated, and
 - (b) the contribution is for the year beginning with that date (in this Schedule referred to as “ the first year of the new list ”).
2. Subject to the next following paragraph, the value entered in the valuation list in pursuance of subsection (2) of section ten of this Act shall, for the purpose of ascertaining totals, be deemed to have been shown in the list as from the time when the list came into force.
3. If, by reason of one or more structural alterations or other events which have taken place since the new valuation list came into force, the contribution is computed on two or more different values, then—
 - (a) any of those values which is referable to a period subsequent to such an alteration or event shall be disregarded for the purpose of ascertaining totals for the first year of the new list, and
 - (b) the value referable to the period before the alteration or event, or the earliest of them, as the case may be, shall be deemed to have been shown in the new list, as representing the rateable value of the hereditament, as from the time when the list came into force.
4. Nothing in this Schedule shall affect the ascertainment of totals for any year subsequent to the first year of the new list.

Section 15.

SEVENTH SCHEDULE

CONSEQUENTIAL AND MINOR AMENDMENTS

PART I

Amendments of Local Government Act, 1948, effective for all purposes

Section of Act

Amendment

Section 33 ... The following subsection shall be substituted for subsection (3):—

“(3) In this Part of this Act the expression ‘ the valuation officer ’, in relation to a valuation list, means any officer of the Commissioners of Inland Revenue who is for the time being appointed by the Commissioners to be the valuation officer or one of the valuation officers, or to be the deputy valuation officer or one of the deputy valuation officers, in relation to that list.”

<i>Section of Act</i>	<i>Amendment</i>
Section 34 ...	In subsection (1), after the words "rating area", where those words first occur, there shall be inserted the words "(whether in London or elsewhere)".
Section 39 ...	In subsection (2), after the word "Act", there shall be inserted the words "or of the Rating and Valuation (Miscellaneous Provisions) Act, 1955".
Section 44 ...	At the end of subsection (3), the following proviso shall be added:— <p style="margin-left: 40px;">"Provided that such a court may, with the consent of all persons appearing before the court on the hearing of the appeal, consist of any two of the persons mentioned in paragraphs (a) and (b) of this subsection, so however that, if the members of a court so constituted are unable to agree on a decision, the appeal shall be re-heard by another local valuation court."</p>
Section 46 ...	In subsection (1), for the words "not more than two of the other members as deputy chairmen thereof," there shall be substituted the words "such number of the members as the scheme may provide as deputy chairmen thereof".
Section 48 ...	In subsection (4), for the words from "incorporate in the list" to the end of the subsection there shall be substituted the words "cause the list to be altered accordingly".
Section 55 ...	In subsection (1), after the words "eighteen pounds" there shall be inserted the words "for the words 'a higher limit of value' there shall be substituted the words 'a limit of value higher than thirteen pounds'."
Section 57 ...	In subsection (1), for the words "or revising a draft" there shall be substituted the words "a new".
Section 58 ...	In subsections (1) and (2), for the word "premises" there shall be substituted the words "heredityment or premises".
Section 67 ...	In subsection (2), after the words "valuation officer", there shall be inserted the words "or deputy valuation officer".
Section 144 ...	In subsection (2), in paragraph (b) of the proviso, for the words "the first year in which the first new valuation list made under Part III of this Act is in force, and previous years," there shall be substituted the words "any year before that in which the first new valuation list made under Part III of this Act is in force"; and at the end of the proviso the following paragraph shall be added:—

7TH SCH.
—cont.

7TH SCH.
—cont.

Section of Act
Section 144—cont.

Amendment

“(c) where an alteration in a valuation list, with respect to a hereditament shown in the list when that list came into force, is made within the year at the beginning of which the list came into force, and (in accordance with section forty-two of this Act) the alteration has effect as from the beginning of that year, or as from the beginning of a period falling within that year, the valuation list shall be deemed, for the purposes of this subsection, to have had effect as modified by that alteration as from the time when the list came into force.”

PART II

*Amendment of Poor Rate Assessment and Collection Act, 1869,
effective for all purposes*

Section of Act

Amendment

Section 19 ... For the words from “in every case” to “instead of the occupier” there shall be substituted the words “subject to the provisions of subsection (4) of section four of the Rating and Valuation (Miscellaneous Provisions) Act, 1955”.

PART III

*Amendments of Local Government Act, 1948, effective only in relation
to future valuation lists*

Section of Act

Amendment

Section 42 ... In subsection (2), after paragraph (b), there shall be inserted the following paragraph:—

“(bb) is made by reason that a hereditament has become, or has ceased to be, a dwelling-house or a private garage or private storage premises (within the meaning of the Valuation for Rating Act, 1953), or by reason that a hereditament is used to a greater or lesser extent for the purposes of a private dwelling or private dwellings; or”, and for paragraph (d) the following paragraph shall be substituted:—

“(d) is made by reason of any event whereby a hereditament, or part of a hereditament, becomes, or ceases to be, not liable to be rated; or”.

Section 48 ... The following subsection shall be substituted for subsection (1):—

“(1) Where a copy of a proposal is transmitted to the clerk to a local valuation panel, and in accordance with the preceding provisions of this Part of this Act the transmission thereof has effect

<i>Section of Act</i>	<i>Amendment</i>	<i>7TH SCH. —cont.</i>
Section 48— <i>cont.</i>	as an appeal to a local valuation court against an objection to the proposal, it shall be the duty of the chairman or a deputy chairman of that panel to arrange for the convening of such a court.”	
Section 51 ...	For the words from “and shall be collected” to the end of the section there shall be substituted the words “and, subject to the provisions of subsection (7) of section one of the Rating and Valuation (Miscellaneous Provisions) Act, 1955, shall be collected and be recoverable accordingly”.	
Section 65 ...	After the word “lists)” there shall be inserted the words “and subsection (3A) of that section (which relates to certain contributions made by the Crown in respect of such property)”.	

PART IV

Other amendments effective only in relation to future valuation lists

The Rating and Valuation Act, 1925

In section sixty-four, in paragraph (b) of subsection (3), after the word “and” there shall be inserted the words “(subject to the next following subsection)”; and after subsection (3) the following subsection shall be inserted:—

“(3A) Where such a contribution is made for the financial year beginning with the date of the coming into force of a new valuation list made under Part III of the Local Government Act, 1948, for the rating area in which the hereditament is situated (in this subsection referred to as ‘the first year of the new list’),—

- (a) if the contribution is subsequently revised before the end of the financial year next following the first year of the new list, the amount to be taken into account for the purpose of ascertaining the proceeds of any rate for the first year of the new list shall be the amount of the contribution as revised, notwithstanding that the revision is made after the end of the last-mentioned year;
- (b) if, in the case of a contribution in respect of a hereditament which was occupied by or on behalf of the Crown for public purposes at the time when the new valuation list came into force, the contribution as originally made, or as subsequently revised as mentioned in the preceding paragraph, is computed on a value which differs from the value shown in the list when it came into force, then, subject to the two following paragraphs, the value on which the contribution is so computed shall, for the purpose of ascertaining totals, be deemed to have been shown in the list, as representing the rateable value of the hereditament, as from the time when the list came into force, instead of the value actually shown in the list at that time;

7TH SCL.
—cont.

- (c) if, in a case falling within the last preceding paragraph, the difference between the values mentioned in that paragraph is wholly attributable to a structural alteration or other event which has taken place since the time when the new list came into force, that paragraph shall not apply;
- (d) if, by reason of one or more structural alterations or other events which have taken place since the new list came into force, the contribution as originally made, or as subsequently revised, is computed on two or more different values, then—

(i) any of those values which is referable to a period subsequent to such an alteration or event shall be disregarded for the purpose of ascertaining totals for the first year of the new list, and

(ii) the value referable to the period before the alteration or event (or the earliest of them, if more than one) shall for that purpose be deemed to have been shown in the new list, as representing the rateable value of the hereditament, as from the time when the list came into force, instead of the value actually shown in the list at that time:

Provided that nothing in paragraphs (c) and (d) of this subsection shall affect the ascertainment of totals for any year subsequent to the first year of the new list."

In subsection (2) of section sixty-nine, for the words "any rate in lieu of which a special rate under this Act is levied" there shall be substituted the words "any rate in lieu of which an amount is leviable together with, and as an additional item of, the general rate", and for the words "the special rate" there shall be substituted the words "the additional item thereof".

The Tithe Act, 1936

In the Fifth Schedule, in paragraph 7, for the words "the special rates for such period as aforesaid levied" there shall be substituted the words "any amount leviable together with, and as an additional item of, the general rate for such period as aforesaid, being an amount so leviable", and, in proviso (b) to that paragraph, for the words "special rates" there shall be substituted the words "amounts leviable as aforesaid in parts of their area".

EIGHTH SCHEDULE

Section 15.

ENACTMENTS REPEALED

PART I

Repeals effective for all purposes

Session and Chapter	Enactment Repealed	Extent of Repeal
11 & 12 Geo. 6. c. 26.	The Local Government Act, 1948.	<p>In section thirty-three, in subsection (2), the words " or draft valuation list ".</p> <p>In section thirty-four, in paragraph (a) of subsection (1), the words " outside London " and the word " and " in the second place where it occurs; and paragraph (b) of subsection (1).</p> <p>Sections thirty-five to thirty-eight.</p> <p>In section forty-four, in subsection (1), the words " against draft valuation lists and ".</p> <p>In section forty-eight, in paragraph (e) of subsection (3), the words " in the case of an appeal against an objection ".</p> <p>Sections eighty-three and eighty-four.</p> <p>In section one hundred and forty-four, in subsection (9), the words " or draft valuation list ", and the words " or draft list " in both places where they occur.</p>

PART II

Repeals effective only in relation to future valuation lists

Session and Chapter	Enactment Repealed	Extent of Repeal
3 & 4 Will. 4. c. 30.	The Poor Rate Exemption Act, 1833.	The whole Act.
32 & 33 Vict. c. 40.	The Sunday and Ragged Schools (Exemption from Rating) Act, 1869.	The proviso to section one.
32 & 33 Vict. c. 67.	The Valuation (Metropolis) Act, 1869.	<p>In section four, the definition of rateable value.</p> <p>In section fifty-one, the words from " and shall enter " to the end of the section.</p> <p>Section fifty-two.</p> <p>The Third Schedule.</p>
15 & 16 Geo. 5. c. 40.	The Valuation (Metropolis) Amendment Act, 1925.	The whole Act.

8TH SCH.
—cont.

Session and Chapter	Enactment Repealed	Extent of Repeal
15 & 16 Geo. 5. c. 90.	The Rating and Valuation Act, 1925.	<p>In subsection (5) of section two, the words from "other than an amount" to "this Part of this Act."</p> <p>Section three.</p> <p>Subsection (3) of section four.</p> <p>Subsection (2) of section seven.</p> <p>In section sixty-nine, in subsection (2), paragraph (a) and the words "in any other case" in paragraph (c).</p>
18 & 19 Geo. 5. c. 8.	The Rating and Valuation Act, 1928.	Section two, and the First Schedule.
18 & 19 Geo. 5. c. 44.	The Rating and Valuation (Apportionment) Act, 1928.	In section seven, paragraph (a) of subsection (1).
22 & 23 Geo. 5. c. 18.	The Rating and Valuation Act, 1932.	The whole Act.
23 & 24 Geo. 5. c. 51.	The Local Government Act, 1933.	<p>In section one hundred and ninety, the proviso to subsection (3).</p> <p>In section two hundred and forty-four, in subsection (2), the words "or of any special rate" and paragraph (c).</p>
1 Edw. 8 & 1 Geo. 6. c. 60.	The Rating and Valuation Act, 1937.	The whole Act.
11 & 12 Geo. 6. c. 26.	The Local Government Act, 1948.	<p>In section fifty-three, the words "by means of an objection to the draft valuation list, or an appeal against that list, or".</p> <p>In section sixty-three, in subsection (2), the words from "and every notice" to the end of the subsection.</p> <p>In section sixty-four, the word "appeal" in both places where it occurs.</p>
1 & 2 Eliz. 2. c. 42.	The Valuation for Rating Act, 1953.	In section four, paragraph (b) of subsection (4).

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Distress (Costs) Act, 1817	57 Geo. 3. c. 93.
Distress (Costs) Act, 1827	7 & 8 Geo. 4. c. 17.
Poor Rate Exemption Act, 1833	3 & 4 Will. 4. c. 30.
Distress for Rates Act, 1849	12 & 13 Vict. c. 14.
Poor Rate Assessment and Collection Act, 1869	32 & 33 Vict. c. 41.
Valuation (Metropolis) Act, 1869	32 & 33 Vict. c. 67.
Local Loans Act, 1875	38 & 39 Vict. c. 83.
Welsh Church Act, 1914	4 & 5 Geo. 5. c. 91.
Increase of Rent and Mortgage Interest (Restrictions) Act, 1920	10 & 11 Geo. 5. c. 17.
Rating and Valuation Act, 1925	15 & 16 Geo. 5. c. 90.
Land Drainage Act, 1930	20 & 21 Geo. 5. c. 44.
Rent and Mortgage Interest Restrictions (Amendment) Act, 1933	23 & 24 Geo. 5. c. 32.
Tithe Act, 1936	26 Geo. 5. & 1 Edw. 8. c. 43.
Public Health Act, 1936	26 Geo. 5. & 1 Edw. 8. c. 49.
Public Health (London) Act, 1936	26 Geo. 5. & 1 Edw. 8. c. 50.
Increase of Rent and Mortgage Interest (Restrictions) Act, 1938	1 & 2 Geo. 6. c. 26.
Water Act, 1945	8 & 9 Geo. 6. c. 42.
Local Government Act, 1948	11 & 12 Geo. 6. c. 26.
National Assistance Act, 1948	11 & 12 Geo. 6. c. 29.
Gas Act, 1948	11 & 12 Geo. 6. c. 67.
Miscellaneous Financial Provisions Act, 1950	14 Geo. 6. c. 21.
Valuation for Rating Act, 1953	1 & 2 Eliz. 2. c. 42.
Local Government (Financial Provisions) (Scotland) Act, 1954	2 & 3 Eliz. 2. c. 13.
Housing Repairs and Rents Act, 1954	2 & 3 Eliz. 2. c. 53.

CHAPTER 10

An Act to validate the election to the House of Commons of John Clarke George, Esquire, and Sir Roland Jennings, Knight, notwithstanding their holding certain offices, and to indemnify them from any penal consequences which they may have incurred by sitting and voting as members of that House. [27th July, 1955]

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

Validation of election of and indemnity for John Clarke George, Esquire, and Sir Roland Jennings, Knight.

1.—(1) John Clarke George, Esquire, and Sir Roland Jennings, Knight, shall be deemed not to have been incapable of being elected members of the Commons House of Parliament, or to have been or to be incapable of sitting or voting as members thereof, by reason only of having at any time before the passing of this Act held office—

(a) in the case of the said John Clarke George, as Director appointed by the Minister of Works of Scottish Slate Industries Limited,

(b) in the case of the said Sir Roland Jennings, as Approved Auditor appointed under the Industrial and Provident Societies Act, 1893, and the Friendly Societies Act, 1896.

(2) The persons named in the foregoing subsection shall be and are hereby discharged, freed and indemnified from all penal consequences whatsoever incurred by them respectively by sitting or voting as members of the Commons House of Parliament while holding their said offices.

56 & 57 Vict.
c. 39.
59 & 60 Vict.
c. 25.

Short title.

2. This Act may be cited as the Validation of Elections Act, 1955.

CHAPTER 11

An Act to provide for the payment of gratuities to or in respect of certain former officials of the Government or Parliament of the Sudan; to increase the superannuation allowances of Sir Robert Howe, lately Governor-General of the Sudan; and for purposes connected with the matters aforesaid. [1st November, 1955]

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

1.—(1) The Secretary of State may at his discretion pay a gratuity of an amount determined in such manner as the Treasury may approve to, or to the personal representatives of, any person who, being a British subject, satisfies either—

(a) the conditions set out in paragraphs (a), (c), (d) and (e); or

(b) the conditions set out in paragraphs (b), (c) and (d),

of the next following subsection:

Provided that—

(i) the aggregate of all gratuities paid under this section shall not exceed one hundred and sixty thousand pounds; and

(ii) in the case of any one person, the aggregate of any gratuity paid to or in respect of him under this section and any lump sum payment made to him by the Sudan Government by way of compensation for loss of career shall not exceed the equivalent of eight thousand five hundred Egyptian pounds, the pound sterling being taken to be the equivalent of ninety-seven and a half Egyptian piastres.

(2) The conditions referred to in the foregoing subsection are—

(a) that the person was accepted before the seventeenth day of July, nineteen hundred and fifty-four, for service towards pension under the Sudan Government Pension Ordinance, 1919;

(b) that the person was accepted before the said seventeenth day of July for service towards annuity under the Sudan Government's Finance Circular No. 141 dated the fifteenth day of November, nineteen hundred and forty-five (which relates to annuities and gratuities for women officials);

- (c) that the person's service under the Government or Parliament of the Sudan was terminated in such circumstances as are specified in the next following subsection, or that he was retired on medical grounds after the appropriate notice of termination specified in that subsection had been given;
- (d) that the last post held by the person before the termination of his service under the said Government or Parliament was a post in the Sudan or in Cairo;
- (e) that, on the day before the date on which the person was struck off the strength of the service of the said Government or Parliament, he had lost any right to revert to pensionable service in any other public service from which he resigned in order to take up an appointment with that Government.

(3) The circumstances referred to in paragraph (c) of the last foregoing subsection are—

- (a) that the person's service was terminated by the Sudan Government by two months' notice in writing given on or after the seventeenth day of July, nineteen hundred and fifty-four, by reason of the appointment or intended appointment of some other person to the post previously held by that person, or of the suppression of that post, in consequence of the provisions of Annex III to the Anglo-Egyptian Agreement (which relates to posts which might affect the freedom of the Sudanese at the time of self-determination), or in accordance with the provisions of that person's contract of service; or
- (b) that the person's service was terminated either by the Sudan Government or by that person by six months' notice in writing given on or after the first day of January, nineteen hundred and fifty-five; or
- (c) that the person's service was terminated either by the Sudan Government or by that person by three months' notice in writing given on or after the first day of July, nineteen hundred and fifty-five; or
- (d) that the person's service was terminated by that person by three months' notice in writing given within one month of the communication to him of a decision to appoint a Sudanese to a vacancy occurring on or after the seventeenth day of July, nineteen hundred and fifty-four, in a post to which that person would have been entitled on grounds of merit:

Provided that a reference in any of the paragraphs of this subsection to a specified period of notice shall be deemed to

include a reference to any shorter period of notice to which the Sudan Government and the person in question had agreed in writing.

(4) In this section, the expression "the Anglo-Egyptian Agreement" means the agreement between the Government of the United Kingdom and the Egyptian Government concerning self-government and self-determination for the Sudan signed at Cairo on the twelfth day of February, nineteen hundred and fifty-three, and presented by the Secretary of State to Parliament by command of Her Majesty in the month of July, nineteen hundred and fifty-three.

2.—(1) The following increases shall be made in the super-
annuation allowances which would otherwise be payable, or might otherwise be granted, under the Superannuation Acts, 1834 to 1950, and the Superannuation (Diplomatic Service) Act, 1929, to Sir Robert Howe, lately Governor-General of the Sudan, that is to say—

- (a) the annual allowance shall be increased by two hundred and fifty pounds; and
- (b) the additional allowance shall be increased by seven hundred and fifty pounds.

(2) This section shall be deemed to have had effect from the sixteenth day of July, nineteen hundred and fifty-five.

3. Any gratuity under section one of this Act, and any increase attributable to the provisions of section two of this Act in the sums payable under the Superannuation Acts, 1834 to 1950, and the Superannuation (Diplomatic Service) Act, 1929, out of moneys provided by Parliament, shall be paid out of moneys so provided.

4. This Act may be cited as the Sudan (Special Payments) Act, 1955.



CHAPTER 12

An Act to validate the election to the House of Commons of Christopher John Holland-Martin, Esquire, notwithstanding his holding the office of local Director of the Bank of New Zealand, and to indemnify him from any penal consequences which he may have incurred by sitting and voting as a member of that House.

[1st November, 1955]

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

Validation of election of and indemnity for Christopher John Holland-Martin, Esquire.

1. Christopher John Holland-Martin, Esquire, shall be deemed not to have been incapable of being elected a member of the Commons House of Parliament, or to have been or to be incapable of sitting or voting as a member thereof, by reason only of his having at any time before the passing of this Act held the office of local Director of the Bank of New Zealand, and is hereby discharged, freed and indemnified from all penal consequences whatsoever incurred by him by sitting or voting as a member of that House while holding the said office.

Short title.

2. This Act may be cited as the Validation of Elections (No. 2) Act, 1955.

CHAPTER 13

An Act to validate the election to the House of Commons of Charles Alfred Howell, Esquire, notwithstanding his holding the office or place of member of certain panels constituted in pursuance of the National Insurance (Industrial Injuries) Act, 1946, and the National Insurance Act, 1946, and to indemnify him from any penal consequences which he may have incurred by sitting and voting as a member of that House.

[22nd November, 1955]

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

Validation of election of and indemnity for Charles Alfred Howell, Esquire.

1. Charles Alfred Howell, Esquire, shall be deemed not to have been incapable of being elected a member of the Commons House of Parliament, or to have been or to be incapable of sitting or voting as a member thereof, by reason only of his having at any time before the passing of this Act held the office

or place of member of panels constituted for purposes of local tribunals in the Derby area in pursuance of section forty-three of the National Insurance (Industrial Injuries) Act, 1946, and of regulations made under section forty-three of the National Insurance Act, 1946; and is hereby discharged, freed and indemnified from all penal consequences whatsoever incurred by him by sitting or voting as a member of that House while holding the said office or place.

2. This Act may be cited as the Validation of Elections (No. 3) Act, 1955.

CHAPTER 14

An Act to provide for raising further money for the development of the postal, telegraphic and telephonic systems and of any other business of the Post Office; to make provision with respect to the application of sums arising from the sale of property acquired for the purposes of the Post Office; and for purposes connected with the matters aforesaid.

[22nd November, 1955]

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

1.—(1) Without prejudice to the exercise of any powers previously given for the like purpose, the Treasury may issue out of the Consolidated Fund such sums, not exceeding in the whole the sum of one hundred and seventy-five million pounds, as may be required by the Postmaster-General, according to estimates approved by the Treasury, for the development of the postal, telegraphic and telephonic systems and of any other business of the Post Office.

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

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

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

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

2 & 3 Geo. 6.
c. 117.

(3) Any annuities created and issued under paragraph (a) of the last foregoing subsection shall be paid out of moneys provided by Parliament for the service of the Post Office, and if those moneys are insufficient shall be charged on and paid out of the Consolidated Fund; and any other securities created and issued to raise money under that subsection shall be deemed for all purposes to be created and issued under the National Loans Act, 1939.

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

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

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

14 Geo. 6. c. 2. (6) Subsection (3) of section two of the Post Office and Telegraph (Money) Act, 1950 (which requires the Postmaster-General to prepare an annual account of all sums issued under section one of that Act and of all expenditure from sums so issued) shall extend to this section.

Application of
sums arising
from sale of
Post Office
assets.

2.—(1) Sums arising from the sale of any property acquired for the purposes of the Post Office, whether or not acquired out of moneys provided under an Act authorising the raising of moneys for the development of any business of the Post Office, may, if the Treasury so direct, be treated as if they had been raised under any such Act which may for the time being be in force, and be applied accordingly for any of the purposes specified in that Act:

Provided that, where any such sums are so applied, the amount authorised to be raised under that Act shall be correspondingly reduced.

(2) The Telegraph (Money) Act, 1924 (which makes provision 14 & 15 Geo. 5. as to the application of sums arising from the sale of telephone c. 25. assets) is hereby repealed.

3. This Act may be cited as the Post Office and Telegraph Short title.
(Money) Act, 1955.

CHAPTER 15

An Act to increase the limit on the contributions out of moneys provided by Parliament which may be made under section one of the Rural Water Supplies and Sewerage Act, 1944. [22nd November, 1955]

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

1.—(1) The limit imposed by subsection (5) of section one of the Rural Water Supplies and Sewerage Act, 1944, as amended by the Rural Water Supplies and Sewerage Act, 1951, on the aggregate amount of the contributions which may be made under that section towards expenses incurred by local authorities in England and Wales shall be increased from forty-five million pounds to seventy-five million pounds. Increase of limit on contributions. 7 & 8 Geo. 6. c. 26. 14 & 15 Geo. 6. c. 45.

(2) The limit imposed by the said subsection (5), as read with section seven of the said Act of 1944 and as amended by section twenty-one of the Water (Scotland) Act, 1949, on the aggregate amount of the contributions which may be made under the said section one towards expenses incurred by local authorities in Scotland shall be increased from twenty million pounds to thirty million pounds. 12, 13 & 14 Geo. 6. c. 31.

(3) Subsection (3) of section one of the Rural Water Supplies and Sewerage Act, 1955 (which relates to the amount to be taken into account for the purposes of the limits imposed by the provisions aforesaid where contributions are made by way of a series of periodical payments) shall apply in relation to those limits as increased by this Act. 3 & 4 Eliz. 2. c. 13.

2.—(1) This Act may be cited as the Rural Water Supplies and Sewerage (No. 2) Act, 1955, and shall be included among the enactments which may be cited together as the Rural Water Supplies and Sewerage Acts, 1944 to 1955. Citation and extent.

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

CHAPTER 16*Food and Drugs Act, 1955***ARRANGEMENT OF SECTIONS****PART I****GENERAL PROVISIONS AS TO FOOD AND DRUGS***Composition and labelling of food and drugs***Section**

1. Offences in connection with preparation and sale of injurious foods and adulterated drugs.
2. General protection for purchasers of food and drugs.
3. Defences available in proceedings under s. 2.
4. Regulations as to composition of food, etc.
5. Power of Ministers to obtain particulars of certain food ingredients.
6. False labelling or advertisement of food or drugs.
7. Regulations as to labelling and description of food.

Food unfit for human consumption

8. Punishment for sale, etc., of food unfit for human consumption.
9. Examination and seizure of suspected food.
10. Food offered as prizes, etc.
11. Power to examine food in course of transit.
12. Punishment for sale, etc., of products of knackers' yards.

Hygiene in connection with sale, etc., of food to the public

13. Regulations as to food hygiene.
14. Power of court to disqualify caterer.
15. Byelaws as to handling and sale of food.

Registration of premises and licensing of vehicles, etc., in connection with sale of food

16. Registration of premises (manufacture and sale of ice-cream and of sausages, etc.).
17. Extension of s. 16 to other businesses.
18. Applications for registration.
19. Refusal or cancellation of registration.
20. Supplementary provisions as to declarations under ss. 16 (5) and 17 (4).
21. Licensing of vehicles, etc.

Special provisions as to sale, etc., of particular foods

22. Sale of ice-cream from stalls, etc.
23. Prevention of spread of disease by ice-cream.
24. Sale of horseflesh.
25. Cleansing of shellfish.

Food poisoning

26. Cases of food poisoning to be notified.
27. Inspection and control of infected food.

PART II

MILK, DAIRIES AND CREAM SUBSTITUTES

Milk and Dairies

Section

28. Meaning of "dairy", "dairy farm", etc.
29. Milk and Dairies Regulations.
30. Registration of dairymen, dairy farms and dairy farmers.
31. Prohibition of sale of milk from diseased cows.
32. Adulteration, etc., of milk.
33. Presumptive evidence of adulteration of milk.
34. Appointment of veterinary inspectors.

Special designations of milk, and their use

35. Milk (Special Designation) Regulations.
36. Restrictions on use of special designations.

Compulsory use of special designations in specified areas, and provisions as to licences for specified areas

37. Compulsory use of special designations for retail sales.
38. Compulsory use of special designations for catering.
39. Power of Minister to dispense with use of special designations.
40. Abolition of special designation "Accredited".
41. Specified areas.
42. Power of Minister to provide facilities for treatment of milk.
43. Breach of condition of retailer's licence.
44. Restriction on liability under s. 43.
45. Revocation, etc., of licences.
46. Interpretation of ss. 37 to 45.

Cream substitutes

47. Misuse of designation "cream" in relation to cream substitutes.
48. Extension to reconstituted cream of provisions relating to cream.

PART III

PROVISION AND REGULATION OF MARKETS

49. Establishment or acquisition of market by local authority.
50. Power of owner of market to sell it to local authority.
51. Market days and hours.
52. Stallages, tolls and other charges.
53. Time for payment of stallages, etc.
54. Recovery of stallages, etc.
55. Certain sales to be prohibited during market hours.
56. Provision and verification of weighing machines and scales.
57. Weighing of articles and vehicles.
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An Act to consolidate the Food and Drugs Act, 1938, the Food and Drugs (Milk, Dairies and Artificial Cream) Act, 1950, and the Food and Drugs Amendment Act, 1954, together with certain other enactments amending and supplementing Part V of the said Act of 1938 in relation to slaughterhouses and knackers' yards.
 [22nd November, 1955]

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

PART I**GENERAL PROVISIONS AS TO FOOD AND DRUGS***Composition and labelling of food and drugs*

Offences in connection with preparation and sale of injurious foods and adulterated drugs.

1.—(1) No person shall add any substance to food, use any substance as an ingredient in the preparation of food, abstract any constituent from food, or subject food to any other process or treatment, so as (in any such case) to render the food injurious to health, with intent that the food shall be sold for human consumption in that state.

(2) No person shall add any substance to, or abstract any constituent from, a drug so as to affect injuriously the quality, constitution or potency of the drug, with intent that the drug shall be sold in that state.

(3) Subject to the provisions of this section, no person shall—

(a) sell for human consumption, offer, expose or advertise for sale for human consumption, or have in his possession for the purpose of such sale, any food rendered injurious to health by means of any operation described in subsection (1) of this section, or

(b) sell, offer, expose or advertise for sale, or have in his possession for the purpose of sale, any drug injuriously affected in its quality, constitution or potency by means of any operation described in subsection (2) of this section.

(4) A person who contravenes any of the foregoing provisions of this section shall be guilty of an offence.

(5) In determining for the purposes of this Act whether an article of food is injurious to health, regard shall be had not only to the probable effect of that article on the health of a person consuming it, but also to the probable cumulative effect of articles of substantially the same composition on the health of a person consuming such articles in ordinary quantities.

(6) In proceedings under this section for an offence consisting of the advertisement for sale of any food or drug, it shall be a defence for the person charged to prove that, being a person whose business it is to publish, or arrange for the publication of, advertisements, he received the advertisement for publication in the ordinary course of business.

2.—(1) If a person sells to the prejudice of the purchaser any food or drug which is not of the nature, or not of the substance, or not of the quality, of the food or drug demanded by the purchaser, he shall, subject to the provisions of the next following section, be guilty of an offence.

General protection for purchasers of food and drugs.

(2) In proceedings under this section it shall not be a defence to allege that the purchaser bought for analysis or examination and therefore was not prejudiced.

(3) In this section, except so far as it relates to drugs, the reference to sale shall be construed as a reference to sale for human consumption.

3.—(1) In proceedings under section two of this Act for an offence consisting of the sale of food to which any substance has been added, or in the preparation of which any substance has been used as an ingredient, or from which any constituent has been abstracted, or which has been subjected to any other process or treatment, other than food thereby rendered injurious to health, it shall be a defence for the person charged to prove that the operation in question was not carried out fraudulently, and that the article was sold having attached thereto a notice of

Defences available in proceedings under s. 2.

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adequate size, distinctly and legibly printed and conspicuously visible, stating explicitly the nature of the operation, or was sold in a wrapper or container displaying such a notice.

(2) The provisions of the foregoing subsection shall apply in relation to proceedings for an offence consisting of the sale of a drug to which any substance has been added, or from which any constituent has been abstracted, other than a drug thereby injuriously affected in its quality, constitution or potency, as they apply in relation to any such offence as is therein mentioned.

(3) In proceedings under section two of this Act in respect of any food or drug containing some extraneous matter, it shall be a defence for the defendant to prove that the presence of that matter was an unavoidable consequence of the process of collection or preparation.

(4) In proceedings under the said section two in respect of diluted whisky, brandy, rum or gin, it shall be a defence for the defendant to prove that the spirit in question had been diluted with water only and that its strength was still not lower than thirty-five degrees under proof; but nothing in this subsection shall be taken as affecting the provisions of subsection (4) of section one hundred and sixty-one of the Customs and Excise Act, 1952 (which relates to the dilution of spirits after computation of duty).

Regulations
as to
composition
of food, etc.

4.—(1) The Ministers may, so far as appears to them to be necessary or expedient in the interests of the public health, or otherwise for the protection of the public, make regulations for any of the following purposes:—

- (a) for requiring, prohibiting or regulating the addition of any specified substance, or any substance of any specified class, to food intended for sale for human consumption or any class of such food, or the use of any such substance as an ingredient in the preparation of such food, and generally for regulating the composition of such food;
- (b) for requiring, prohibiting or regulating the use of any process or treatment in the preparation of any food intended for sale for human consumption, or any class of such food;
- (c) for prohibiting or regulating the sale, possession for sale, offer or exposure for sale, consignment, or delivery, of food which does not comply with any of the regulations, or in relation to which an offence against the regulations has been committed or would have been committed if any relevant act or omission had taken place in England and Wales, or for prohibiting or regulating the importation of any such food as aforesaid;

(d) for prohibiting or regulating the sale, possession for sale, or offer, exposure or advertisement for sale, of any specified substance, or of any substance of any specified class, with a view to its use in the preparation of food for human consumption, and the possession of any such substance for use in the preparation of food intended for sale for human consumption.

(2) In the exercise of their functions under this section the Ministers shall have regard to the desirability of restricting, so far as practicable, the use of substances of no nutritional value as foods or as ingredients of foods.

(3) Regulations made under this section may apply to cream, and to any food containing milk; but except as aforesaid such regulations shall not apply to milk.

(4) Regulations so made may provide, in relation to such cases as may be specified and subject to such exceptions as may be allowed by or under the regulations, that, where any food is certified by a public analyst as being food to which the regulations apply so far as they are made under paragraph (c) of subsection (1) of this section, that food may be treated for the purposes of section nine of this Act (under which food may be seized and destroyed on the order of a justice of the peace) as being unfit for human consumption:

Provided that nothing in any such regulations shall be taken as prejudicing the generality of the powers conferred by the said section nine.

5.—(1) For the purpose of enabling them to exercise their functions under section four of this Act, the Ministers may by order require every person who at the date of the order or at any subsequent time carries on a business which includes the production, importation or use of substances of any class specified in the order to furnish to the Minister of Agriculture, Fisheries and Food, within such time as may be so specified, such particulars as may be so specified of the composition and use of any such substance sold in the course of that business for use in the preparation of food for human consumption, or used for that purpose in the course of that business.

Power of
Ministers to
obtain
particulars of
certain food
ingredients.

(2) Without prejudice to the generality of the foregoing subsection, an order made thereunder may require the following particulars to be furnished in respect of any substance, that is to say—

- (a) particulars of the composition and chemical formula of the substance,
- (b) particulars of the manner in which the substance is used or proposed to be used in the preparation of food,
- (c) particulars of any investigations carried out by or to the knowledge of the person carrying on the business in question, for the purpose of determining whether and to

PART I
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what extent the substance, or any product formed when the substance is used as aforesaid, is injurious to, or in any other way affects, health,

(d) particulars of any investigations or inquiries carried out by or to the knowledge of the person carrying on the business in question for the purpose of determining the cumulative effect on the health of a person consuming the substance in ordinary quantities.

(3) No particulars furnished in accordance with an order under this section, and no information relating to any individual business obtained by means of such particulars, shall, without the previous consent in writing of the person carrying on the business in question, be disclosed except—

(a) in accordance with directions of the Minister of Agriculture, Fisheries and Food, so far as may be necessary for the purposes of section four of this Act or of any corresponding enactment for the time being in force in Scotland or Northern Ireland,

(b) for the purposes of any proceedings for an offence against the order or any report of those proceedings; and if any person discloses any such particulars or information in contravention of this subsection 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 both, or on conviction on indictment to imprisonment for a term not exceeding two years, or to a fine not exceeding five hundred pounds, or both.

(4) Section fifty-one of the Patents Act, 1949 (which secures inventions against anticipation in certain cases), shall apply in relation to the disclosure of any invention made in pursuance of an order under this section, and to anything done in consequence of any such disclosure, as it applies in relation to such communications of inventions as are therein mentioned, and to anything done in consequence of such communications.

False labelling
or advertise-
ment of food
or drug.

6.—(1) A person who gives with any food or drug sold by him, or displays with any food or drug exposed by him for sale, a label, whether attached to or printed on the wrapper or container or not, which—

(a) falsely describes the food or drug, or

(b) is calculated to mislead as to its nature, substance or quality,

shall be guilty of an offence, unless he proves that he did not know, and could not with reasonable diligence have ascertained, that the label was of such a character as aforesaid.

(2) Subject to the next following subsection, a person who publishes, or is a party to the publication of, an advertisement

(not being such a label so given or displayed by him as aforesaid) which—

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—cont.

- (a) falsely describes any food or drug, or
- (b) is calculated to mislead as to the nature, substance or quality of any food or drug,

shall be guilty of an offence ; and in any proceedings under this subsection against the manufacturer, producer or importer of the food or drug, it shall rest on the defendant to prove that he did not publish, and was not a party to the publication of, the advertisement.

(3) In proceedings under the last foregoing subsection it shall be a defence for the defendant to prove either—

- (a) that he did not know, and could not with reasonable diligence have ascertained, that the advertisement was of such a character as is described in that subsection, or
- (b) that, being a person whose business it is to publish, or arrange for the publication of, advertisements, he received the advertisement for publication in the ordinary course of business.

(4) It is hereby declared that, for the purposes of this section, a label or advertisement which is calculated to mislead as to the nutritional or dietary value of any food is calculated to mislead as to the quality of the food.

(5) In proceedings for an offence under this section the fact that a label or advertisement in respect of which the offence is alleged to have been committed contained an accurate statement of the composition of the food or drug shall not preclude the court from finding that the offence was committed.

(6) In this section, except so far as it relates to drugs, references to sale shall be construed as references to sale for human consumption.

7.—(1) Without prejudice to the provisions of the last foregoing section, but subject to the next following subsection, the Ministers may make regulations for imposing requirements as to, and otherwise regulating, the labelling, marking or advertising of food intended for sale for human consumption, and the descriptions which may be applied to such food.

Regulations as to labelling and description of food.

(2) In relation to the labelling and marking of food with respect to weight, measure and number, the last foregoing subsection shall apply with the substitution for the reference to the Ministers of a reference to the Board of Trade.

(3) Regulations made under this section may make provision for any purpose authorised by paragraph (c) of subsection (1) of section four of this Act in the case of regulations under that section.

PART I
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(4) Regulations made under this section may apply to cream, and to any food containing milk ; but except as aforesaid such regulations shall not apply to milk.

Food unfit for human consumption

Punishment for sale, etc., of food unfit for human consumption.

8.—(1) Subject to the provisions of this section, any person who—

- (a) sells, or offers or exposes for sale, or has in his possession for the purpose of sale or of preparation for sale, or
- (b) deposits with, or consigns to, any person for the purpose of sale or of preparation for sale,

any food intended for, but unfit for, human consumption shall be guilty of an offence.

(2) Subject as aforesaid, where food in respect of which an offence under paragraph (a) of the foregoing subsection has been committed was sold to the offender by some other person, that person also shall be guilty of an offence.

(3) Where a person is charged with an offence under paragraph (b) of subsection (1) of this section, or under the last foregoing subsection, it shall be a defence for him to prove either—

- (a) that he gave notice to the person with whom he deposited, or to whom he consigned or sold, the food in question that it was not intended for human consumption, or
- (b) that, at the time when he delivered or dispatched it to that person, either it was fit for human consumption or he did not know, and could not with reasonable diligence have ascertained, that it was unfit for human consumption.

(4) If a person licensed under Part IV of this Act, or under the Public Health (London) Act, 1936, to keep a slaughterhouse is convicted of an offence under this section, the court may, in addition to any other punishment, cancel his licence.

(5) The justice of the peace before whom any food is brought under the next following section may, but need not, be a member of the court before which a person is charged with an offence under this section in relation to that food.

Examination and seizure of suspected food.

9.—(1) An authorised officer of a council may at all reasonable times examine any food intended for human consumption which has been sold, or is offered or exposed for sale, or is in the possession of, or has been deposited with or consigned to, any person for the purpose of sale or of preparation for sale, and, if it appears to him to be unfit for human consumption, may seize it and remove it in order to have it dealt with by a justice of the peace.

(2) An officer who seizes any food under the foregoing subsection shall inform the person in whose possession the food was

found of his intention to have it dealt with by a justice of the peace, and any person who under section eight of this Act might be liable to a prosecution in respect of the food shall, if he attends before the justice upon the application for its condemnation, be entitled to be heard and to call witnesses.

PART I
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(3) If it appears to a justice of the peace that any food brought before him, whether seized under the provisions of this section or not, is unfit for human consumption, he shall condemn it and order it to be destroyed or to be so disposed of as to prevent it from being used for human consumption.

(4) If a justice of the peace refuses to condemn any food seized under this Part of this Act by an authorised officer of a council, the council shall compensate the owner of the food for any depreciation in its value resulting from its seizure and removal.

10.—(1) Sections eight and nine of this Act shall apply— Food offered as prizes, etc.

- (a) in relation to any food which is intended for human consumption and is offered as a prize or reward in connection with any entertainment to which the public are admitted, whether on payment of money or not, as if the food were, or had been, exposed for sale by each person concerned in the organisation of the entertainment ;
- (b) in relation to any food which is intended for human consumption and is offered as a prize or reward or given away for the purpose of advertisement, or in furtherance of any trade or business, as if the food were, or had been, exposed for sale by the person offering or giving away the food ; and
- (c) in relation to any food which is intended for human consumption and is exposed or deposited in any premises for the purpose of being so offered or given away as aforesaid, as if the food were, or had been, exposed for sale by the occupier of the premises.

(2) In this section the expression “entertainment” includes any social gathering, amusement, exhibition, performance, game, sport or trial of skill.

11.—(1) Subject to the provisions of this section, if an authorised officer of a council has reason to suspect that any vehicle or container contains any food which is intended for sale for human consumption, or is in the course of delivery after sale for human consumption, he may examine the contents of the vehicle or container, and for that purpose may, if necessary, detain the vehicle or container ; and if the officer finds any food which appears to him to be intended for, but unfit for, human consumption, he may deal with it as food falling within subsection (1) of section nine of this Act and subsections (2) to (4) of that section shall apply accordingly. Power to examine food in course of transit.

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—cont.

(2) Nothing in this section shall authorise the detention of—

- (a) any vehicle belonging to the British Transport Commission and used by them for the purposes of their railway undertaking,
- (b) any vehicle belonging to a railway company and used by them for the purposes of their undertaking, or
- (c) any authorised vehicle used for the purpose of his business as a carrier of goods by a person holding an A licence or a B licence under Part I of the Road and Rail Traffic Act, 1933.

(3) Where the duties of an officer of customs and excise with respect to any goods have not been wholly discharged, nothing in this section shall authorise the examination of those goods without his consent.

Punishment for sale, etc., of products of knackers' yards.

12.—(1) No person shall sell, or offer or expose for sale, or have in his possession for the purpose of sale or of preparation for sale, for human consumption any part of, or product derived wholly or partly from, an animal which has been slaughtered in a knacker's yard or of which the carcase has been brought into a knacker's yard.

(2) A person who contravenes the provisions of this section shall be guilty of an offence and, if he is licensed under Part IV of this Act, or under the Public Health (London) Act, 1936, to keep either a slaughterhouse or a knacker's yard, the court may, in addition to any other punishment, cancel his licence.

Hygiene in connection with sale, etc., of food to the public

Regulations as to food hygiene.

13.—(1) The Ministers may make such regulations as appear to them to be expedient for securing the observance of sanitary and cleanly conditions and practices in connection with—

- (a) the sale of food for human consumption, or
- (b) the importation, preparation, transport, storage, packaging, wrapping, exposure for sale, service or delivery of food intended for sale or sold for human consumption,

or otherwise for the protection of the public health in connection with the matters aforesaid.

(2) Without prejudice to the generality of the foregoing subsection, regulations made under this section may make provision—

- (a) for imposing requirements as to the construction, lay-out, drainage, equipment, maintenance, cleanliness, ventilation, lighting, water-supply and use, of premises in, at or from which food is sold for human consumption,

or offered, exposed, stored or prepared for sale, for human consumption (including any parts of such premises in which apparatus and utensils are cleansed, or in which refuse is disposed of or stored) ;

- (b) for imposing requirements as to the provision, maintenance and cleanliness of sanitary and washing facilities in connection with such premises, the disposal of refuse and the maintenance and cleanliness of apparatus, equipment, furnishings and utensils used in such premises, and in particular for imposing requirements that every sanitary convenience situated in such premises shall be supplied with water through a suitable flushing appliance ;
- (c) for prohibiting or regulating the use of any specified materials, or of materials of any specified class, in the manufacture of apparatus or utensils designed for use in the preparation of food for human consumption, and the sale or importation for sale of apparatus or utensils designed for such use and containing any specified materials, or materials of any specified class ;
- (d) for prohibiting spitting on premises where food is sold for human consumption, or offered, exposed, stored or prepared for sale for human consumption (including any parts of such premises where apparatus and utensils are cleansed) ;
- (e) for imposing requirements as to the clothing worn by persons in such premises ;
- (f) for securing the inspection of animals intended for slaughter, and of carcasses of animals, for the purpose of ascertaining whether meat intended for sale for human consumption is fit for such consumption ;
- (g) for requiring the staining or sterilization in accordance with the regulations of meat which is unfit for human consumption, or which is derived from animals slaughtered in knackers' yards or from carcasses brought into knackers' yards, or which, though not unfit for human consumption, is not intended therefor ;
- (h) for regulating generally the treatment and disposal of any food unfit for human consumption ;
- (j) for prohibiting or regulating, or enabling local authorities to prohibit or regulate, the sale for human consumption, or the offer, exposure or distribution for sale for human consumption, of shellfish taken from beds or other layings for the time being designated by or under the regulations.

(3) In the last foregoing subsection "animals" includes poultry.

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(4) Regulations under this section may make different provisions in relation to different classes of business; and, without prejudice to the foregoing provisions of this section or section one hundred and twenty-three of this Act, any such regulations imposing requirements in respect of premises may—

- (a) impose on the occupier of the premises and, in the case of requirements of a structural character, on any owner of the premises who either lets them for use for a purpose to which the regulations apply or permits them to be so used after notice from the authority charged with the enforcement of the regulations, responsibility for compliance with those requirements;
- (b) provide, subject to such limitations and safeguards as may be specified, for conferring, in relation to particular premises, exemptions from the operation of specified provisions contained in regulations made for the purposes of paragraph (a) or paragraph (b) of subsection (2) of this section while there is in force a certificate of the local authority to the effect that compliance with those provisions cannot reasonably be required with respect to the premises or any activities carried on therein.

(5) If any person who has incurred, or is about to incur, expenditure in securing that the requirements of regulations made under this section, being requirements of a structural character, are complied with in respect of any premises owned or occupied by him claims that the whole or any part of the expenditure ought to be borne by any other person having an interest in the premises, he may apply to the county court, and the court may make such order concerning the expenditure or its apportionment as appears to the court, having regard to all the circumstances of the case, including the terms of any contract between the parties, to be just and equitable; and any order made under this subsection may direct that any such contract as aforesaid shall cease to have effect in so far as it is inconsistent with the terms of the order.

(6) Regulations made under this section may impose in respect of accommodation in home-going ships, and in respect of vehicles, stalls and places other than premises, any such requirements as may be imposed thereunder in respect of premises.

(7) Subject as hereinafter provided, references in this section to food shall be construed as references to food other than milk:

Provided that—

- (a) regulations under this section relating to importation may apply to milk; and

(b) any regulations under this section may apply to any food containing milk.

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—cont.

(8) The Ministers shall from time to time take such steps as they think expedient for publishing codes of practice in connection with matters which may be made the subject of regulations under this section, for the purpose of giving advice and guidance to persons responsible for compliance with such regulations.

14.—(1) Where a person is proceeded against by a local authority for an offence against regulations made under section thirteen of this Act in respect of any premises used as catering premises or of any business carried on at such premises, the following provisions of this section shall have effect. Power of court to disqualify caterer.

(2) If the person is convicted of the offence and the court thinks it expedient to do so having regard to the gravity of the offence or (in the case of an offence committed in respect of premises) to the unsatisfactory nature of the premises, or having regard to any offences against regulations made under the said section thirteen of which the person has previously been convicted, the court may, on the application of the local authority, make an order disqualifying that person from using those premises as catering premises for such period not exceeding two years as may be specified in the order :

Provided that an order under this section shall not be made against any person unless the local authority have, not less than fourteen days before the date of the hearing, given that person written notice of their intention to apply for an order to be made against him.

(3) A person subject to an order under this section shall be guilty of an offence if, while the order is in force,—

- (a) he uses the premises to which the order relates as catering premises, or
- (b) he participates in the management of any business in the course of which the premises are so used by another person.

(4) A person so subject may, at any time after the expiration of six months from the date on which the order came into force and from time to time thereafter, apply to the court before which he was convicted, or by which the order was made, to revoke the order, and on any such application the court may, if it thinks proper having regard to all the circumstances of the case, including in particular the person's conduct subsequent to the conviction and any improvement in the state of the premises to which the order relates, grant the application.

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(5) If an application under the last foregoing subsection is refused by the court to which it is made, a further application thereunder shall not be entertained if made within three months after the date of the refusal.

(6) The court to which an application under the said subsection is made shall have power to order the applicant to pay the whole or any part of the costs of the application.

Byelaws as to handling and sale of food.

15.—(1) Subject to the provisions of this section, a local authority may make byelaws for securing the observance of sanitary and cleanly conditions and practices in connection with the handling, wrapping and delivery of food sold or intended for sale for human consumption, and in connection with the sale or exposure for sale in the open air of food intended for human consumption.

(2) Byelaws under this section shall not be made by the council of a metropolitan borough or by the overseers of the Inner Temple or the Middle Temple, but may be made by the London County Council so as to apply to the whole or any part of London outside the City; and it shall be the duty of the council of every metropolitan borough and of the said overseers to enforce within their district any byelaws made by the London County Council under this section.

Registration of premises and licensing of vehicles, etc., in connection with sale of food

Registration of premises (manufacture and sale of ice-cream and of sausages, etc.)

16.—(1) Subject to the provisions of this section, no premises shall be used for—

(a) the sale, or the manufacture for the purpose of sale, of ice-cream, or the storage of ice-cream intended for sale, or

(b) the preparation or manufacture of sausages or potted, pressed, pickled or preserved food intended for sale,

unless they are registered under this section for that purpose by the local authority.

For the purposes of this subsection—

(i) “sale” means sale for human consumption, and

(ii) the preparation of meat or fish by any process of cooking shall be deemed to be the preservation thereof.

(2) A person who uses any premises in contravention of the provisions of subsection (1) of this section shall be guilty of an offence.

(3) Nothing in this Part of this Act shall apply so as to require the registration under this section of premises used wholly or mainly—

- (a) as catering premises, or
- (b) as a school or club ;

and paragraph (a) of subsection (1) of this section shall not apply in relation to the sale or storage of ice-cream at any premises used as a theatre, cinematographic theatre, music hall or concert hall.

(4) Save in so far as may be expressly provided by regulations made under this Part of this Act, this section shall not apply in relation to premises which are used for the preparation, sale or storage of articles prepared from, or consisting of, materials other than those of animal or vegetable origin, but are not otherwise used for any purpose in connection with the preparation, storage or sale of food.

(5) Where in any district local Act provisions were in force at the commencement of this Act with respect to the registration of premises used for any of the purposes mentioned in subsection (1) of this section, being provisions which were in force at the commencement of the Food and Drugs Act, 1938 (that is to say, immediately before the first day of October nineteen hundred and thirty-nine), subsection (1) of this section, so far as it relates to registration for purposes regulated by the local Act provisions, shall not apply to that district until the Minister of Health, on the application of the local authority, declares it to be in force therein.

17.—(1) The Ministers may by order direct that section sixteen of this Act shall have effect as if the purposes described in subsection (1) thereof included, except in such cases as may be prescribed by the order, the sale or preparation for sale of food for human consumption, or the storage of food intended for such sale, in the course of any business of a class specified in the order.

Extension of
s. 16 to other
businesses.

(2) An order made under this section—

- (a) shall make provision for enabling premises used for purposes for which registration is required by virtue of the order to be registered under the said section sixteen before the date when subsection (1) of that section becomes applicable to them by virtue of the order, and
- (b) in relation to premises used for those purposes before that date, shall make provision for excluding or restricting the power of the local authority to refuse applications for registration.

PART I
—*cont.*

(3) The purposes for which registration is required by virtue of an order made under this section may include any purpose for which, apart from the order, registration would be required under the said section sixteen; and any such order may repeal, in whole or in part, paragraph (a) or (b) of subsection (1) of that section, and may make provision for continuing in force the registration of any premises for purposes to which the order applies.

Where an order made under this section repeals the whole or any part of the said paragraphs, section thirty-eight of the Interpretation Act, 1889 (which relates to the effect of repeals), shall apply as if the order were an Act.

(4) If, at the time when premises become registrable for any purposes by virtue of an order made under this section, local Act provisions with respect to the registration of premises used for any of those purposes are in force in any district, subsection (1) of section sixteen of this Act, as having effect by virtue of the order, shall not, so far as it relates to registration for purposes regulated by the local Act provisions, apply to that district until the Minister of Health, on the application of the local authority, declares it to be in force therein.

**Applications
for
registration.**

18.—(1) An application for the registration of any premises under section sixteen of this Act shall specify—

- (a) the purpose or purposes for which registration is applied for, and
- (b) all rooms or accommodation in the premises proposed to be used for those purposes;

and on such an application being made as aforesaid by the occupier, or a person proposing to occupy, the premises to which the application relates, the local authority shall, subject to the provisions of this and the next following section, register the premises for those purposes.

(2) It is hereby declared that the local authority may register the same premises for more than one purpose for which registration under the said section sixteen is required and may register different parts of the same premises for different purposes.

(3) The premises registered under the said section sixteen in pursuance of such an application as aforesaid shall not include any room or accommodation not specified in the application.

(4) Upon any change in the occupation of premises registered under the said section sixteen, the incoming occupier shall, if he intends to use them for the purpose for which they are registered, forthwith give notice of the change to the local authority, who shall thereupon make any necessary alteration in their register.

If a person required to give a notice under this subsection fails to do so, he shall be liable to a fine not exceeding five pounds.

PART I
—cont.

19.—(1) If in the case of any premises in respect of which an application is made for registration under section sixteen of this Act, or which are registered thereunder, it appears to the local authority— Refusal or cancellation of registration.

- (a) that the requirements of regulations in force under section thirteen of this Act are not complied with in connection with the premises or the business carried on at the premises, or
- (b) that the premises or any part of the premises are otherwise unsuitable (having regard to considerations of hygiene and in particular to the situation, construction or condition of the premises, or to any activities carried on therein) for use for the purpose or purposes specified in the application, or for which they are used, as the case may be,

the authority may serve on the applicant for registration or, as the case may be, on the occupier of the premises, a notice stating the place and time, not being less than twenty-one days after the date of the service of the notice, at which they propose to take the matter into consideration and informing him that he may attend before them, with any witnesses whom he desires to call, at the place and time mentioned to show cause why the authority should not, for reasons specified in the notice, refuse the application or, as the case may be, cancel the registration of the premises.

(2) A person entitled under the last foregoing subsection to appear before any authority may appear in person or by counsel or a solicitor or any other representative, or may be accompanied by any person whom he may wish to assist him in the proceedings.

(3) If a person on whom a notice is served under subsection (1) of this section fails to show cause to the satisfaction of the local authority, they may refuse the application or, as the case may be, cancel the registration of the premises, and shall forthwith give notice to him of their decision in the matter, and shall, if so required by him within fourteen days from the date of their decision, give to him, not later than forty-eight hours after receiving the requirement, a statement of the grounds on which the decision was based.

(4) A person aggrieved by the decision of a local authority under this section to refuse to register any premises, or to cancel the registration of any premises, may appeal to a magistrates' court.

PART I
—cont.

Supplementary provisions as to declarations under ss. 16 (5) and 17 (4).

20. Where on an application made by a local authority under subsection (5) of section sixteen or subsection (4) of section seventeen of this Act the Minister of Health declares subsection (1) of the said section sixteen to be in force in the district of the authority, then, upon the declaration taking effect, such of the local Act provisions referred to in the subsection under which the application was made as may be specified in the declaration shall be repealed or, as the case may be, shall be repealed as respects the district of the authority; but any premises which immediately before the repeal of those provisions were registered thereunder—

- (a) for any purpose mentioned in subsection (1) of section sixteen of this Act, if the application was made under that section, or
- (b) for any of the purposes for which premises become registrable by virtue of the relevant order made under section seventeen of this Act, if the application was made under that section,

shall be deemed to have been registered under the said section sixteen for the purpose in question.

Licensing of vehicles, etc.

21.—(1) Subject to the provisions of this section, the Ministers may make regulations providing—

- (a) for the issue by local authorities of licences in respect of the use of vehicles, stalls or places other than premises, for the preparation, exposure or offer for sale, or sale, of food for human consumption, and
- (b) for prohibiting the use for any such purpose of any such vehicle, stall or place except in accordance with a licence issued under the regulations.

(2) Regulations made under this section may be made so as to apply either generally or to such class or classes of business as may be specified in the regulations, and may exempt from the requirements of this Act as to registration under section sixteen thereof any premises used for the storage of food intended for sale for human consumption in the course of a business in respect of which a licence is in force under the regulations.

(3) Regulations made under this section may provide for the refusal or cancellation of a licence under the regulations, either wholly or in respect of a part of the business for which the licence is applied for or is held,—

- (a) where the requirements of regulations in force under section thirteen of this Act are not complied with in relation to that business, or

- (b) where the applicant or holder is unable or has failed to comply, in relation to that business, with any by-laws in force under section fifteen of this Act ;

PART I
—cont.

and such regulations shall make provision for affording to persons affected by any such refusal or cancellation an opportunity to make representations to the local authority, and to appeal from the decision of that authority to a magistrates' court.

(4) If on the coming into operation of any regulations under this section in relation to any class of business, local Act provisions are in force in any district, being provisions under which persons engaged in that class of business are required to be licensed or registered, the regulations so far as they relate to that class of business shall not apply to that district until such date as may be appointed by an order made by the Minister of Health upon application in that behalf made by the local authority.

(5) Where an order is made under the last foregoing subsection in relation to any district, that order—

- (a) may repeal any such local Act provisions as are mentioned in that subsection, so far as they relate to that district and to the class of business in relation to which the regulations under this section have effect, and
- (b) shall provide for securing that persons licensed or registered under those provisions are, in relation to any business of the said class in which they are engaged, treated as licensed under the regulations.

Special provisions as to sale, etc., of particular foods

22.—(1) Every dealer in ice-cream who in a street or other place of public resort sells, or offers or exposes for sale, ice-cream from a stall or vehicle, or from a container used without a stall or vehicle, shall have his name and address legibly and conspicuously displayed on the stall, vehicle or container, as the case may be, and, if he fails to comply with the requirements of this section, shall be liable to a fine not exceeding forty shillings.

Sale of
ice-cream
from stalls,
etc.

(2) A local authority may at any time resolve that, as from such date, not being less than four weeks from the date of the passing of the resolution, as may be specified therein and until the resolution is revoked, this section shall apply within their district in relation to all kinds of food, or to any kinds of food specified in the resolution, as it applies in relation to ice-cream, and while any such resolution is in force, this section shall apply accordingly :

Provided that nothing in this subsection shall have effect in relation to milk.

PART I
—*cont.*

(3) A local authority shall forthwith give notice to the Minister of Health of the passing or revocation of a resolution under this section, and shall take such steps as he may direct for publishing notice of the coming into operation, or revocation, of any such resolution.

**Prevention of
spread of
disease by
ice-cream.**

23.—(1) Every manufacturer of, or dealer in, ice-cream shall, upon the occurrence of any disease to which this subsection applies among the persons living or working in or about the premises on which the ice-cream is manufactured, stored or sold, forthwith give notice thereof to the medical officer of health of the district and, if he fails to do so, shall be liable to a fine not exceeding five pounds.

(2) Subsection (1) of this section applies to the diseases specified in the First Schedule to this Act and any other disease which the Minister of Health may by order declare to be a disease to which that subsection applies.

(3) If the medical officer of health of a district has reasonable ground for suspecting that any ice-cream, or substance intended for use in the manufacture of ice-cream, is likely to cause any disease communicable to human beings, he may give notice to the person in charge thereof that, until further notice, the ice-cream or substance in question, or any specified portion thereof, is not to be used for human consumption and either is not to be removed, or is not to be removed except to some place specified in the notice.

A person who uses or removes any ice-cream or substance in contravention of the requirements of a notice given under this subsection shall be liable to a fine not exceeding ten pounds.

(4) If on further investigation the medical officer is satisfied that the ice-cream or substance in question may safely be used for human consumption, he shall forthwith withdraw his notice; but, if he is not so satisfied, he shall cause it to be destroyed, and he shall also cause to be destroyed any other ice-cream or such substance as aforesaid then on the premises as to which he is not so satisfied.

(5) Where a notice given under subsection (3) of this section is withdrawn by the medical officer, or the medical officer acting under subsection (4) of this section causes any ice-cream or other substance to be destroyed, the local authority shall compensate the owner of the ice-cream or other substance in question for any depreciation in its value resulting from the action taken by the medical officer or, as the case may be, for the loss of its value:

Provided that—

(a) no compensation shall be payable under this section in respect of the destruction of any ice-cream or substance

if the local authority prove that it was likely to cause any disease communicable to human beings ;

PART I
—cont.

(b) no compensation shall in any case be payable under this section—

(i) in respect of any ice-cream or substance manufactured on, or brought within, any premises while a notice given under subsection (3) of this section with respect to anything on those premises was operative, or

(ii) in any case where the owner of the ice-cream or substance in question has failed to give a notice which he was required by subsection (1) of this section to give.

For the purposes of this subsection, the value of any ice-cream or other substance shall not be assessed at a sum exceeding the cost incurred by the owner in making or purchasing it.

24.—(1) No person shall sell, or offer or expose for sale, or have in his possession for the purpose of sale, any horseflesh for human consumption elsewhere than in premises, or in a stall, vehicle or place, over or on which a notice in legible letters stating that horseflesh is sold there is displayed in a conspicuous position so as to be visible whenever horseflesh is being sold, or offered or exposed for sale.

Sale of
horseflesh.

(2) No person shall supply horseflesh for human consumption to a purchaser who has not asked to be supplied with horseflesh, or who has asked to be supplied with some compound article of food not ordinarily made of horseflesh.

(3) A person who contravenes any of the provisions of this section shall be guilty of an offence.

(4) If any horseflesh is exposed for sale elsewhere than in premises, or in a stall, vehicle or place, distinguished as aforesaid without anything to show that it was not intended for sale for human consumption, the onus of proving that it was not so intended shall rest upon the person exposing it for sale.

(5) In this section the expression "horseflesh" means the flesh of horses, asses and mules, and includes any such flesh whether cooked or uncooked and whether alone, or accompanied by, or mixed with, any other substance, and the expression "flesh" includes any part of any such animal.

25.—(1) A county council or a local authority may provide, whether within or without their county or district, tanks or other apparatus for cleansing shellfish and may make charges in respect of the use of any tank or other apparatus so provided.

U*

PART I
—*cont.*

(2) A county council or a local authority may contribute towards the expenses incurred under this section by any other council or any joint committee, or towards expenses incurred by any other person in providing, and making available to the public, means for cleansing shellfish.

(3) Any expenses incurred by a county council under this section shall, if the Minister of Housing and Local Government by order so directs, be defrayed as expenses for special county purposes chargeable upon such part of the county as may be provided by the order, but any such order may be revoked or varied by a subsequent order.

(4) In London, a local authority may, with the consent of the Minister of Housing and Local Government, borrow for the purposes of this section as if they were purposes of the Public Health (London) Act, 1936.

(5) In this section the expression "cleansing shellfish" includes the subsection of shellfish to any germicidal treatment.

(6) Nothing in this section shall authorise the establishment of any tank or other apparatus, or the execution of any other work, on, over or under tidal lands below high-water mark of ordinary spring tides, except in accordance with such plans and sections, and subject to such restrictions and conditions, as may, before the work is commenced, be approved by the Minister of Transport and Civil Aviation.

Food poisoning

Cases of food poisoning to be notified.

26.—(1) If a registered medical practitioner becomes aware, or suspects, that a patient whom he is attending within the district of any local authority is suffering from food poisoning, he shall forthwith send to the medical officer of health of that district a certificate stating—

- (a) the name, age and sex of the patient, and the address of the premises where the patient is, and
- (b) particulars of the food poisoning from which he is, or is suspected to be, suffering,

and also stating whether the case occurs in the private practice of the practitioner, or in his practice as medical officer of a public body or institution.

(2) Where the local authority is not the local health authority, the district medical officer of health shall send a copy of the certificate within twelve hours after its receipt to the local health authority.

(3) A local authority shall pay to a registered medical practitioner for each certificate duly sent by him under the foregoing provisions of this section to their medical officer of health a fee of two shillings and sixpence if the case occurs in his private practice, and a fee of one shilling if it occurs in his practice as medical officer of any public body or institution.

PART I
—*cont.*

(4) Where the medical practitioner attending a patient is himself the medical officer of health of the district, he shall be entitled to the fee to which, if he were not the medical officer of health, he would have been entitled in respect of a certificate sent by him to the medical officer.

(5) Where a copy of a certificate has been sent to the local health authority under this section, and any fee has been paid for that certificate by the local authority, the fee shall be repaid to the local authority by the local health authority.

(6) Notwithstanding any enactment which in London might entail such a disqualification, the acceptance by a medical practitioner of a fee under this section shall not subject him to disqualification for being a member of any authority, other than a local authority within the meaning of the London Government Act, 1939, or for holding any other public office.

27.—(1) If the medical officer of health of a district has reasonable ground for suspecting that any food of which he, or any other officer of the local authority of the district, has procured a sample under the provisions of this Act is likely to cause food poisoning, he may give notice to the person in charge of the food that, until his investigations are completed, the food, or any specified portion thereof, is not to be used for human consumption and either is not to be removed, or is not to be removed except to some place specified in the notice.

**Inspection
and control
of infected
food.**

A person who uses or removes any food in contravention of the requirements of a notice given under this subsection shall be liable to a fine not exceeding ten pounds.

(2) If, as a result of his investigations, the medical officer is satisfied that the food in question, or any portion thereof, is likely to cause food poisoning, he may deal with it as food falling within subsection (1) of section nine of this Act and subsections (2) and (3) of that section shall apply accordingly; but, if he is satisfied that it may safely be used for human consumption, he shall forthwith withdraw his notice.

(3) If a notice given under subsection (1) of this section is withdrawn by the medical officer of health, or if the justice of the peace before whom any food is brought under this section refuses to condemn it, the local authority shall compensate the owner of the food to which the notice related for any depreciation in its value resulting from the action taken by the medical officer.

PART II

MILK, DAIRIES AND CREAM SUBSTITUTES

Milk and Dairies

Meaning
of "dairy",
"dairy farm",
etc.

28.—(1) In the following provisions of this Act—

(a) the expression "dairy"—

(i) includes any farm, cowshed, milking house, milk store, milk shop or other premises from which milk is supplied on or for sale, or in which milk is kept or used for purposes of sale or for the purposes of manufacture into butter, cheese, dried milk or condensed milk for sale, or in which vessels used for the sale of milk are kept, but

(ii) does not include a shop from which milk is supplied only in the properly closed and unopened vessels in which it is delivered to the shop, or a shop or other place in which milk is sold for consumption on the premises only ;

(b) the expression "dairy farm"—

(i) means any premises (being a dairy) on which milk is produced from cows, but

(ii) does not include any part of any such premises on which milk is manufactured into other products unless the milk produced on the premises forms a substantial part of the milk so manufactured ;

(c) the expression "dairy farmer" means a dairyman who produces milk from cows ; and

(d) the expression "dairyman" includes an occupier of a dairy, a cowkeeper, and a purveyor of milk.

(2) If any question arises under sub-paragraph (ii) of paragraph (b) of the foregoing subsection whether the milk produced on a farm or other premises forms a substantial part of the milk that is manufactured into other products thereon, that question shall be determined by the Minister of Agriculture, Fisheries and Food (hereafter in this Part of this Act referred to as "the Minister").

Milk and
Dairies
Regulations.

29.—(1) The Ministers may make regulations, to be called "Milk and Dairies Regulations", making provision—

(a) for the inspection of cattle on dairy farms ;

(b) for the inspection of dairies, and of persons in or about dairies who have access to the milk, or to the churns or other milk vessels ;

(c) with respect to the lighting, ventilation, cleansing, drainage and water-supply of dairies ;

PART II
—cont.

- (d) for securing the cleanliness of churns and other milk vessels and appliances and for prohibiting, subject to prescribed exceptions, the use of churns (whether by the persons to whom they belong or other persons) otherwise than as containers for milk, where the churns are in use for the purposes of the business of a dairyman ;
- (e) for prescribing the precautions to be taken for protecting milk against infection or contamination ;
- (f) for preventing danger to health from the sale of infected, contaminated or dirty milk, and in particular for prohibiting the supply or sale of milk suspected of being infected ;
- (g) for imposing obligations on dairymen and their employees in regard to cases of infectious illness ;
- (h) for regulating the cooling, storage, conveyance and distribution of milk ;
- (j) with respect to the labelling, marking or identification, and the sealing or closing, of churns and other vessels used for the conveyance of milk, the labelling of vessels in which milk is sold or offered or exposed for sale or delivered, and the display of the vendor's name and address on any stall, or any cart, barrow or other vehicle, from which milk is sold or delivered ;
- (k) in cases where no express provision is made by this Act, for prohibiting or restricting—
 - (i) the addition of any substance to milk, or the abstraction from milk of fat or any other constituent ;
 - (ii) the sale of milk to which any such addition, or from which any such abstraction, has been made, or which has been otherwise artificially treated ;
- (l) for prohibiting or restricting, subject to prescribed exceptions, the sale for human consumption, as milk of any specified description (being a description which in the opinion of the Ministers ascribes to the milk a quality higher than the minimum quality prescribed for milk under section thirty-three of this Act) of milk containing less than a specified quantity of any specified normal constituent ;
- (m) for requiring, subject to prescribed exceptions, cream or separated milk to be subjected to a specified treatment before being sold for human consumption ;
- (n) for prohibiting, subject to prescribed exceptions, the sale for human consumption of milk obtained from cows milked—
 - (i) at any stage of a journey to or from a dairy farm,

PART II
—cont.

(ii) at a slaughterhouse or knacker's yard, or

(iii) in any market or other place where cattle are collected for the purposes of sale or showing, whether or not the market or place is registered in pursuance of Milk and Dairies Regulations as a dairy farm ;

(o) for requiring, subject to prescribed exceptions, any milk to which regulations in force under the last foregoing paragraph apply to be stained or otherwise treated for the purposes of identification.

(2) In the foregoing subsection—

(a) “prescribed exceptions” means such exceptions as may be allowed by or under Milk and Dairies Regulations, and

(b) except in paragraph (o), “milk” means milk intended for sale or sold for human consumption, or intended for manufacture into products for sale for human consumption.

(3) Paragraph (m) of subsection (1) of this section, so far as it relates to cream, shall be without prejudice to the power of the Ministers under section four of this Act to make regulations applying to cream, but regulations made under paragraph (j), paragraph (k) or paragraph (l) of the said subsection shall not apply in relation to cream in so far as they are made for any purpose for which regulations relating to cream may be made under the said section four.

(4) Milk and Dairies Regulations may be general regulations or regulations limited to a particular area.

(5) The Minister of Health may, with the approval of the Treasury, repay out of moneys provided by Parliament such part, not exceeding three-quarters, as he may with such approval determine of any sums paid by a local authority by way of compensation to any person for damage or loss sustained by him by reason of any prohibition or restriction imposed by Milk and Dairies Regulations on the sale, supply or use of milk which is infected or suspected of being infected.

Registration of
dairymen,
dairy farms
and dairy
farmers.

30.—(1) Milk and Dairies Regulations—

(a) may provide for the registration of persons carrying on, or proposing to carry on, the trade of a dairyman and for the registration of dairies, and for prohibiting any person from carrying on the said trade unless he and any premises used by him as a dairy are duly registered, and

(b) shall provide for the registration by the Minister of dairy farms and of persons carrying on, or proposing to carry on, the trade of a dairy farmer.

(2) Regulations made for the purposes of this section may make special provision—

PART II
—*cont.*

(a) for the registration of premises used temporarily as dairies or dairy farms, and of the occupiers of such premises ;

(b) for the removal from the register of such premises and occupiers at the expiration of the period for which the registration is effected.

(3) Part I of the Second Schedule to this Act shall have effect, subject to the provisions of subsection (5) of this section, with respect to refusing or cancelling the registration of dairymen.

(4) Subject to the provisions of the said subsection (5), regulations made for the purposes of paragraph (b) of subsection (1) of this section shall make provision in accordance with Part II of the Second Schedule to this Act for dealing with the refusal and cancellation of any such registration as is mentioned in that paragraph.

(5) The Second Schedule to this Act shall not apply to registration in pursuance of regulations made by virtue of subsection (2) of this section, or to persons registered or applying to be registered thereunder.

31.—(1) No person shall—

(a) sell, or offer or expose for sale, for human consumption, or

(b) use in the manufacture of products for sale for human consumption,

Prohibition
of sale of
milk from
diseased
cows.

the milk of any cow which to his knowledge has given tuberculous milk, or is suffering from emaciation due to tuberculosis, or from tuberculosis of the udder or any other disease of cows to which this section applies.

(2) In proceedings under this section, the defendant shall be deemed to have known that a cow had given tuberculous milk, or was so suffering as aforesaid, if he could with ordinary care have ascertained the fact.

(3) A person who contravenes any of the provisions of this section shall be guilty of an offence.

(4) The diseases of cows to which this section applies are those listed in the Third Schedule to this Act and any other disease to which the provisions of this section are extended by Milk and Dairies Regulations.

32.—(1) No person shall add any water or colouring matter, Adulteration, or any dried or condensed milk or liquid reconstituted therefrom, etc., of milk, to milk intended for sale for human consumption.

PART II
—*cont.*

(2) No person shall add any separated milk, or mixture of cream and separated milk, to unseparated milk intended for sale for human consumption.

(3) No person shall sell, or offer or expose for sale, or have in his possession for the purpose of sale, for human consumption any milk to which any addition has been made in contravention of the foregoing provisions of this section.

(4) No person shall sell, or offer or expose for sale, under the designation of milk any liquid in the making of which any separated milk, or any dried or condensed milk, has been used.

(5) A person who contravenes any of the provisions of this section shall be guilty of an offence.

(6) For the purposes of subsection (3) of this section, a person shall be deemed to retain the possession of milk which is deposited in any place for collection until it is actually collected; but nothing in this subsection shall be taken as prejudicing the defence available under subsection (4) of section ninety-four of this Act to a person charged with an offence in respect of a sample of milk taken after the milk has left his possession.

Presumptive
evidence of
adulteration
of milk.

33. The Ministers may make regulations for determining what deficiency in any of the normal constituents of milk, or what proportion of water, in a sample shall for the purposes of this Act raise a presumption, until the contrary is proved, that the article sampled is not genuine milk.

Appointment
of veterinary
inspectors.

34. The functions of veterinary inspectors under any enactments relating to milk or to dairies shall, in accordance with directions given by the Minister, be discharged by veterinary inspectors appointed for the purpose by him under section five of the Board of Agriculture Act, 1889.

Special designations of milk, and their use

Milk (Special
Designation)
Regulations.

35.—(1) Provision may be made by regulations, to be made by the Ministers and called "Milk (Special Designation) Regulations",—

(a) for prescribing, in relation to milk of any description, such designation (hereinafter referred to as a "special designation") as the Ministers consider appropriate, and

(b) for the granting of licences to producers and sellers of milk authorising the use of a special designation, and for prescribing the periods for which and the conditions subject to which licences, or licences of any particular class, are to be granted under the regulations.

(2) Provision made by such regulations for the granting of licences authorising the use of a special designation shall be for the granting thereof by the following, that is to say—

- (a) as respects licences authorising the use of a special designation of raw milk by the producer of the milk, the Minister ;
- (b) as respects other licences, either the Minister or county councils or local authorities, as may be provided by the regulations.

(3) The provisions of Part I of the Fourth Schedule to this Act shall have effect with respect to the making by such regulations of provision for—

- (a) the revocation or suspension of licences authorising the use of a special designation on the ground of a breach of condition of the licence ;
- (b) procedure in connection with decisions to revoke or suspend such licences or to refuse grants of such licences.

(4) The conditions prescribed by such regulations subject to which licences may be granted may include conditions as to the payment of fees.

36.—(1) No person shall for the purpose of the sale or advertisement of any milk use a special designation in any manner calculated to suggest that it refers to that milk, unless he holds a licence authorising the use of that designation in connection with that milk: Restrictions on use of special designations.

Provided that, for the purpose of a sale or advertisement of milk as, or as part of, a meal or refreshments, a special designation may be used by a person who does not hold a licence authorising the use of that designation in connection with the milk, if the milk is milk bought by him and that designation was used for the purpose of the sale thereof to him.

(2) No person shall for the purpose of the sale or advertisement of any milk refer to that milk by any such description, not being a special designation, as is calculated falsely to suggest—

- (a) that there is in force a licence authorising the use of a special designation in connection with that milk, or
- (b) that the milk is tested, approved or graded by any competent person, or
- (c) that the cows from which the milk is derived are free from the infection of tuberculosis or of any other disease.

PART II
—cont.

(3) A person who contravenes any of the foregoing provisions of this section shall be guilty of an offence.

(4) In any proceedings taken by virtue of subsection (2) of this section it shall rest on the defendant to prove the truth of any suggestion which, in the opinion of the court, his acts or conduct, as proved by the prosecution, are or is calculated to convey.

(5) Where there has been a breach of a condition subject to which a licence authorising the use of a special designation is granted, but the licence has not been revoked or suspended, the breach shall not be treated as rendering the use of the designation unauthorised for any of the purposes of this section or of any other provision of this Act.

(6) Section forty-six of this Act shall apply for the interpretation of the references in this section to selling milk, but as if the definition of milk in that section were omitted.

Compulsory use of special designations in specified areas, and provisions as to licences for specified areas

Compulsory
use of special
designations
for retail sales.

37.—(1) Subject to the provisions of this Part of this Act, the use of a special designation shall be obligatory for the purpose of all sales of milk by retail for human consumption (other than catering sales) where the place of sale is in an area in which this subsection is in operation by virtue of the subsequent provisions of this Part of this Act in that behalf.

(2) An area in which the foregoing subsection is in operation as aforesaid is in this Part of this Act, and in the Fourth Schedule thereto, referred to as “a specified area”.

(3) The use of a special designation shall be obligatory also for the purpose of a sale of milk by retail for human consumption (other than a catering sale), notwithstanding that the place of sale is not in a specified area, if the milk is delivered from an establishment (whether in or outside a specified area) where there is carried on a business of selling milk which includes any sales for the purpose of which the use of a special designation is obligatory by virtue of subsection (1) of this section.

(4) Subsections (1) and (3) of this section shall not apply to the selling of milk as therein mentioned by a producer of milk from cows to persons employed by him in or in connection with such production or employed by him otherwise in agriculture, if he does not engage in any other selling of milk as mentioned in those subsections.

(5) Any person who sells milk without the use of a special designation under a sale for the purpose of which the use of a special designation is obligatory by virtue of this section shall be guilty of an offence.

(6) Section forty-six of this Act shall apply for the interpretation of this and the following eight sections.

38.—(1) The provisions of this section shall apply to catering sales, and to sales of milk to a person who carries on a business which consists in or comprises making catering sales (in this section referred to as “a caterer”).

Compulsory
use of special
designations
for catering.

(2) Subject to the provisions of this Part of this Act, a catering sale made in a specified area—

(a) shall be lawful (unless it is for any reason unlawful apart from this subsection) if the caterer bought the milk under a sale for the purpose of which a special designation was used, or if he holds a licence authorising him to use a special designation in connection with the milk, whether the designation is used for the purpose of the catering sale or not, but

(b) otherwise shall be unlawful.

(3) Subject to the provisions of this Part of this Act, on a sale of milk to a caterer, being a sale for the purpose of which the use of a special designation would be obligatory by virtue of section thirty-seven of this Act if it were a sale by retail, the use of such a designation shall be obligatory, except where—

(a) the caterer buys the milk with a view to subjecting it to a process to which milk is required to be subjected as a condition of the use of a special designation in connection therewith, and he is the holder of a licence authorising him to use that designation, or

(b) the caterer buys the milk for the purposes of a business of his as a milk dealer or a manufacturer of milk products other than his business as a caterer.

(4) Any person who makes a catering sale which is unlawful by virtue of subsection (2) of this section, or who sells milk without the use of a special designation under a sale for the purpose of which the use of a special designation is obligatory by virtue of subsection (3) of this section, shall be guilty of an offence:

Provided that a person shall not be guilty of an offence by virtue of subsection (3) of this section if at the time of the sale

PART II
—cont.

in question he had reasonable cause to believe that the conditions specified in paragraph (a) or (b) of that subsection were satisfied as to that sale, or that the buyer was not a caterer.

Power of Minister to dispense with use of special designations.

39.—(1) Notwithstanding anything in subsection (1) or subsection (3) of section thirty-seven of this Act, or in subsection (3) of section thirty-eight thereof, selling milk as therein mentioned without the use of a special designation shall be permissible if done with the consent of the Minister.

(2) The Minister may give consents for the purposes of this section, either generally as respects selling milk as mentioned in the said subsections or restricted to a particular retailer or establishment or otherwise, and either unconditionally or subject to conditions, as may appear to him to be requisite in order to meet any circumstances in which use of a special designation which would be obligatory by virtue of those subsections apart from the consent appears to him to be for the time being not reasonably practicable.

(3) A catering sale made in a specified area shall not be unlawful by virtue of subsection (2) of section thirty-eight of this Act if the milk was sold to the caterer with consent given by the Minister for the purposes of this section.

Abolition of special designation "Accredited".

40. The special designation "Accredited" shall not be included among the designations which may be used in satisfaction of an obligation to use a special designation subsisting by virtue of this Act.

Specified areas.

41.—(1) Subject to the following subsection, subsection (1) of section thirty-seven of this Act shall be in operation in any area in which, immediately before the commencement of this Act, subsection (1) of section nineteen of the Food and Drugs (Milk, Dairies and Artificial Cream) Act, 1950, was in operation by virtue of an order made under section twenty-three of that Act.

(2) The Ministers may at any time order that subsection (1) of section thirty-seven of this Act shall come into operation in any area in which it is not then in operation, or shall cease to be in operation in any area in which it is then in operation.

(3) Before making an order under this section the Ministers shall consult with such representative organisations as appear to them substantially to represent the interests concerned with the purposes of the order.

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

(a) if a contract of sale of milk is made in one place and the milk is delivered under the contract in another place,

the place of the sale shall, except in a case falling within paragraph (b) of this subsection, be taken to be the place where the milk is so delivered ;

- (b) if a contract of sale of milk is made in one place and the milk is delivered under the contract to a carrier for transport to another place, the place of the sale shall be taken to be that other place.

PART II
—cont.

42.—(1) The Minister may install, maintain and operate apparatus for the subjection of milk to any process to which it is required to be subjected as a condition of the use of a special designation in connection therewith, and may provide any other facilities for that purpose, in any case in which it appears to him, as respects any area which is a specified area, or an area as to which the Ministers propose to make an order bringing subsection (1) of section thirty-seven of this Act into operation, that facilities for the application of such treatment sufficient to provide for supplies of milk of that designation in that area in requisite quantities are not available and are not likely otherwise to become available.

Power of Minister to provide facilities for treatment of milk.

(2) Where the Minister provides facilities under this section, he may either buy the milk to be treated and re-sell it, otherwise than by retail or to a caterer for the purposes of his business as such, after treatment or apply the treatment to milk of others.

(3) The Minister may make arrangements with local authorities or other persons for the doing, on his behalf and at his expense, of things which he is authorised by this section to do, and it shall be within the powers of local authorities to carry out arrangements so made.

(4) In this section the expression “local authority” means a local authority within the meaning of the Local Government Act, 1933, or the London Government Act, 1939.

43.—(1) In the event of a breach of any condition to which this section applies of a licence held by a retailer for a specified area, the holder of the licence shall, subject to the provisions of the next following section, be guilty of an offence under this section.

Breach of condition of retailer's licence.

(2) The conditions to which this section applies are conditions as to any such matters as are specified in the Fifth Schedule to this Act.

(3) Milk (Special Designation) Regulations shall specify the authorities, whether local authorities or food and drugs authorities, by whom the provisions of this section are to be enforced as respects licences other than licences authorising the use of a special designation in relation to raw milk by the producer thereof, or authorising the use of a special designation by a local authority.

PART II
—cont.

(4) In this section the expression “local authority” means a local authority within the meaning of the Local Government Act, 1933, or the London Government Act, 1939.

Restriction
on liability
under s. 43.

44.—(1) Such a breach of condition as is mentioned in the last foregoing section, constituted by an act or omission for which the holder of the licence is liable to any punishment imposed by or under any enactment other than that section, shall not render the holder of the licence guilty of an offence under that section.

(2) Such a breach of condition as is mentioned in the last foregoing section shall not render the holder of the licence guilty of an offence under the last foregoing section unless it was the later, or a later, of two or more such breaches, occurring within a period of twelve months, of conditions either of that licence or of that licence and a former licence by way of renewal whereof that licence was granted, and was committed either—

- (a) after the licensing authority had given him notice in writing as to an earlier of those two or more breaches informing him of his being alleged to have committed it, and warning him of the liability to prosecution imposed by the last foregoing section, or
- (b) after he had been convicted of an offence under that section by virtue of an earlier of those two or more breaches.

(3) In the case of any prosecution in respect of such a breach of condition as is mentioned in the last foregoing section which would otherwise render the holder of the licence guilty of an offence under that section, it shall be a defence for him to prove the following matters (either as to that breach, or as to the earlier breach relied on for the purpose of subsection (2) of this section, unless it is one by virtue of which he has been convicted of such an offence), that is to say—

- (a) that neither he nor any servant or agent of his did, or knew of the doing of, any act that constituted the breach or can reasonably be regarded as having been the cause or amongst the causes of it, or omitted to do, or knew of an omission to do, any act the omission whereof constituted the breach or the doing whereof can reasonably be regarded as a precaution that would have prevented it ; and
- (b) if the breach was in connection with milk that had been sold to him, or had been delivered to him after being subjected to a process to which it was required to be subjected as a condition of the use of the special designation to which his licence related, that that designation was used for the purpose of the sale to

him or in connection with the delivery to him, as the case may be, and was so used without any breach, discoverable by the exercise of reasonable diligence on the part of himself or any servant or agent of his, of any condition, relating to receptacles, to closing, to fastening or to marking, of a licence to use that designation held by the person who sold the milk to him or subjected it to the process, as the case may be.

PART II
—*cont.*

45. Part II of the Fourth Schedule to this Act shall have effect as respects the application of Part I of that Schedule to a licence held by a retailer for a specified area. **Revocation, etc.**
of licences.

46. In sections thirty-seven to forty-five of this Act, in this section and in the Fourth and Fifth Schedules to this Act, except where the context otherwise requires— **Interpretation**
of ss. 37 to 45.

“ business ” includes the business of a hospital, school or other institution whose selling of milk is incidental only to the rendering of the health, education or other services rendered by the institution ;

“ catering sale ” means a sale of milk, or of things made from milk or of which milk is an ingredient, as, or as part of, a meal or refreshments ;

“ licence held by a retailer for a specified area ” means a licence authorising the use of a special designation held by a person carrying on a business which includes any sales which are sales for the purpose of which the use of a special designation is obligatory by virtue of this Part of this Act and are of milk in relation to which that licence authorises the use of a special designation ;

“ licensing authority ” means, in relation to a grant of a licence authorising the use of a special designation, the authority having power to grant the licence by virtue of Milk (Special Designation) Regulations, and, in relation to such a licence which has been granted, the authority who would for the time being have power by virtue of such regulations as aforesaid to grant a licence by way of renewal thereof if it had expired ;

“ milk ” means cows’ milk, excluding not only condensed milk and dried milk, but also cream and separated, skimmed and evaporated milk, and butter milk ;

“ selling ” means selling in the course of a business, and includes, in relation to milk, supplying it under arrangements for free supply, and, in relation to milk and

PART II
—cont.

things made from milk or of which milk is an ingredient, supplying it or them, in the course of any business otherwise than under such arrangements; and references to sales and contracts of sale and sellers shall be construed accordingly;

“selling milk by retail” means selling it—

(a) to any person other than a milk dealer (that is to say, a person who carries on a business which consists in or comprises the selling of milk) or a manufacturer of milk products (that is to say, a person who carries on a business which consists in or comprises the making of things made from milk or of which milk is an ingredient), or

(b) to such a dealer or manufacturer otherwise than for the purposes of his business as such;

“specified area” has the meaning assigned to it by subsection (2) of section thirty-seven of this Act;

“supplying under arrangements for free supply” means, in relation to any milk, supplying it, free from any payments made or to be made by the person to whom it is supplied, under arrangements made in exercise of powers in that behalf conferred by any Regulation in the Defence (General) Regulations, 1939, or by section forty-nine or subsection (2) of section seventy-eight of the Education Act, 1944; and references to a person’s buying milk include references to his having it supplied to him under such arrangements.

Cream substitutes

Misuse of designation “cream” in relation to cream substitutes.

47.—(1) Subject to the provisions of this section, no person shall sell, or offer or expose for sale, for human consumption—

(a) any substance which resembles cream in appearance, but is not cream, or

(b) any article of food containing such a substance, under a description or designation which includes the word “cream” (whether or not as part of a composite word).

(2) The foregoing subsection shall not apply to the sale, or offer or exposure for sale, of any substance being reconstituted or imitation cream as defined by this section, or of any article containing such a substance, under a description or designation which identifies the substance as such, or to the sale, or offer or exposure for sale, of any substance under a description or designation which indicates that the substance is not for use as, or as a substitute for, cream.

(3) In this section "reconstituted cream" means a substance which, not being cream, resembles cream in appearance and contains no ingredient not derived from milk, except—

PART II
—cont.

(a) water, or

(b) ingredients (not added fraudulently to increase bulk, weight or measure, or conceal inferior quality) which may lawfully be contained in a substance sold for human consumption as cream ;

and "imitation cream" means a substance which, not being cream or reconstituted cream, resembles cream in appearance and is produced by emulsifying edible oils or fats with water, either by themselves or with other substances which are neither prohibited by regulations made for the purposes of this section under section four of this Act, nor added in quantities so prohibited.

(4) For the purposes of this section, the description or designation under which a substance or article is sold, or offered or exposed for sale, shall be deemed to include the word "cream" if it includes any other word (composite or otherwise) which is calculated to lead a purchaser to suppose that the substance is or, as the case may be, the article contains either cream or a substance for use as cream.

(5) A person who contravenes subsection (1) of this section shall be guilty of an offence.

48. Save as otherwise expressly provided, such of the following provisions as apply in relation to cream, that is to say—

Extension to reconstituted cream of provisions relating to cream.

(a) any provision of this Part of this Act ;

(b) any provisions of Milk and Dairies Regulations, other than provisions relating to the registration of dairymen and dairies ; and

(c) any provision of Milk (Special Designation) Regulations, shall also apply in relation to reconstituted cream as defined by the last foregoing section.

PART III

PROVISION AND REGULATION OF MARKETS

49.—(1) Subject to the provisions of this section, the council of a borough or urban district and, with the consent of the Minister of Housing and Local Government, the council of a rural district may—

Establishment or acquisition of market by local authority.

(a) establish a market within their district ;

(b) acquire by agreement (but not otherwise), either by purchase or on lease, the whole or any part of an existing market undertaking within their district, and

PART III
—cont.

any rights enjoyed by any person within their district in respect of a market and of tolls,

and, in either case, may provide—

- (i) a market place with convenient approaches thereto ;
- (ii) a market house and other buildings convenient for the holding of a market.

(2) In this Part of this Act the expression “ market authority ” means a local authority who have established or acquired a market under this section, or under section forty-four of the Food and Drugs Act, 1938, or under any corresponding enactment repealed by that Act, or by the Public Health Act, 1875.

(3) Without the consent of the person concerned, no market shall be established in pursuance of this section so as to interfere with any rights, powers or privileges enjoyed within the district in respect of a market by any person :

Provided that, for the purposes of this subsection, another local authority shall not be deemed to be enjoying any rights, powers or privileges within the district by reason only of the fact that they have established a market within their own district either under paragraph (a) of subsection (1) of this section or under paragraph (i) of subsection (1) of section forty-four of the Food and Drugs Act, 1938, or (otherwise than by acquisition of a then existing market) under any corresponding provision repealed by the said Act of 1938 or the Public Health Act, 1875.

Power of
owner of
market to sell
it to local
authority.

50. The owner of a market undertaking, or of any rights in respect of a market and of tolls, whether established under, or enjoyed by virtue of, statutory powers or not, may sell or lease to a local authority the whole or any part of his market undertaking or rights, but subject to all liabilities attaching thereto :

Provided that a sale by a market company under this section must be authorised,—

- (a) if the company is a company within the meaning of the Companies Act, 1948, by a special resolution of the members passed in the manner provided in Part IV of that Act,
- (b) if the company is not such a company, by a resolution passed by three-fourths in number and value of the members present, either personally or by proxy, at a meeting specially convened for the purpose with notice of the business to be transacted.

Markets days
and hours.

51. A market authority may, with the approval of the Minister of Housing and Local Government, appoint the days on which, and the hours during which, markets are to be held.

52.—(1) The Minister of Housing and Local Government may, on the application of a market authority, approve for the purposes of the market a table of stallages, tolls and charges, and the authority may demand in respect of the market, and in respect of the weighing and measuring of articles and vehicles, either the stallages, tolls and charges approved by the said Minister, or such less stallages, tolls and charges as they may from time to time determine.

PART III
—*cont.*
Stallages, tolls and other charges.

(2) A market authority who provide a weighing machine for weighing cattle, sheep or swine may demand in respect of the weighing of such animals charges not exceeding the following, that is to say—

For every head of cattle	6d.
For every five (or a less number) of sheep or swine	3d.

or such other charges as the Minister of Housing and Local Government may from time to time approve.

(3) The authority shall keep exhibited in conspicuous places in the market place, and in any market house, tables stating in large and legibly printed characters the several stallages, tolls and charges payable under this Part of this Act, and shall keep so much of the tables as relates to charges payable in respect of the weighing of vehicles, or, as the case may be, in respect of the weighing of animals, conspicuously exhibited at every weighing machine provided by them in connection with the market for the purpose in question.

(4) A person who demands or accepts a stallage, toll or charge greater than that for the time being authorised shall be liable to a fine not exceeding forty shillings.

(5) Nothing in this section shall apply in relation to rents charged by a market authority in respect of the letting of accommodation within their market for any period longer than one week.

53.—(1) Subject to the provisions of this section, stallages, tolls and charges payable in respect of the market shall be paid from time to time on demand to an authorised market officer.

Time for payment of stallages, etc.

(2) Charges payable in respect of the weighing or measuring of articles, vehicles or animals shall be paid to an authorised market officer by the persons bringing the articles, vehicles or animals to be weighed or measured before they are weighed or measured.

(3) Tolls payable in respect of animals brought to the market for sale shall be payable, and may be demanded by an authorised market officer, so soon as the animals in respect of which they

PART III
—*cont.*

are payable are brought into the market place and before they are put into any pen, or tied up in the market place ; but further tolls shall be payable and may be demanded in respect of any of the animals which are not removed within one hour after the close of the market.

(4) In this Part of this Act, the expression “ authorised market officer ” means an officer of a market authority specially authorised by them to collect tolls, stallages, and other charges in their market.

**Recovery of
stallages, etc.**

54.—(1) If a person liable to pay any stallage, toll or charge authorised to be taken under this Part of this Act does not pay it when lawfully demanded, the market authority may, by any authorised market officer, levy it by distress of all or any of the animals, poultry or other articles in respect of which the stallage, toll or charge is payable, or of any other animals, poultry or articles in the market belonging to, or in charge of, the person liable.

(2) Any such stallage, toll or charge may also be recovered either summarily as a civil debt, or as a simple contract debt in any court of competent jurisdiction.

**Certain sales to
be prohibited
during market
hours.**

55.—(1) Any person, other than a licensed hawker or certificated pedlar, who on a market day and during market hours sells or exposes for sale in any place within the district of the market authority and within such distance from the market as the authority may by byelaw declare, except in his own dwelling place or shop or in, or at the door of, any premises to a person resident therein, any articles specified in the byelaw, being articles commonly sold in the market, shall be liable to a fine not exceeding forty shillings.

(2) The market authority shall keep exhibited in conspicuous positions in the vicinity of the market notices stating the effect of any byelaw made under this section.

**Provision and
verification of
weighing
machines
and scales.**

56.—(1) A market authority shall provide sufficient scales, weights, measures and weighing machines for weighing or measuring articles sold in the market and vehicles in which articles are brought for sale in the market, and shall appoint officers to attend to the weighing and measuring of such articles and vehicles.

(2) A market authority in whose market cattle, sheep or swine are sold shall, unless there is in force an order of the Minister of Agriculture, Fisheries and Food declaring that the circumstances are such as to render compliance with this subsection unnecessary, provide to the satisfaction of that Minister one or more weighing machines adapted for weighing such animals and appoint officers to attend to the weighing of such animals.

A weighing machine provided under this subsection shall for the purposes of section one of the Markets and Fairs (Weighing of Cattle) Act, 1926, be deemed to have been provided for the purpose of complying with the provisions of the principal Act therein referred to.

PART III
—cont.

(3) The authority shall cause all such scales, weights, measures and weighing machines to be verified at least twice in every year by the inspector of weights and measures acting for their district or the area comprising it.

57.—(1) A person selling, or offering for sale, any articles in the market shall, if required so to do by the buyer, cause them to be weighed or measured by the scales and weights or measures provided by the market authority and, if he refuses to do so, shall be liable to a fine not exceeding forty shillings.

Weighing of
articles and
vehicles.

(2) The person in charge of any vehicle in which articles are brought for sale in the market shall, on the request of the buyer or seller of the articles, or his agent, take the vehicle with its load to the nearest weighing machine provided by the market authority in connection with the market and permit it to be weighed and, after its load has been discharged, shall, on such request as aforesaid, take it to the weighing machine so provided which is nearest to the place of discharge, and permit it to be re-weighed without its load.

(3) If the person in charge of any such vehicle as aforesaid refuses to comply with the provisions of the last foregoing subsection, or refuses to assist in the weighing of the vehicle, he shall be liable to a fine not exceeding forty shillings.

58. The person in charge of any vehicle in which, and any other person by whom, animals, poultry or other articles are brought for sale in the market shall give to any authorised market officer such information as to their number and kind or, in the case of articles on which tolls are chargeable by reference to weight, as to their weight, as that officer may call for.

Information
as to number,
weight, etc.,
of animals
and articles.

59. If an officer appointed by a market authority to attend to the weighing or measuring of articles sold in the market, or of vehicles bringing articles for sale in the market, or of animals brought for sale in the market, refuses or neglects on demand to perform his duties with respect to any such article, vehicle or animal, he shall be liable to a fine not exceeding forty shillings.

Punishment for
refusal to
weigh.

60. A person who—

(a) commits any fraud with respect to the weighing or measuring of any article, or the weighing of any vehicle,

Frauds in
connection
with weighing,
or with tolls.

PART III
—*cont.*

whether loaded or unloaded, or the weighing of any animal, for the purposes of the foregoing provisions of this Part of this Act, or with respect to the recording of the weight of any article or of any vehicle or its load, or of any animal, or

(b) with intent to evade payment of the whole or a part of any toll or other charge, gives to an authorised market officer false information as to the number, kind or weight of any animals, poultry or other articles, shall be liable to a fine not exceeding twenty pounds, or to imprisonment for a term not exceeding three months, or to both.

Byelaws about markets.

61. A local authority who maintain a market, whether or not they are a market authority within the meaning of this Act, may make byelaws—

- (a) for regulating the use of the market place, and the buildings, stalls, pens and standings therein ;
- (b) for preventing nuisances or obstructions in the market place, or in the immediate approaches thereto ;
- (c) for regulating porters and carriers resorting to the market, and fixing the charges to be made for carrying articles therefrom within the district.

PART IV

SLAUGHTERHOUSES AND KNACKERS' YARDS ; COLD-AIR STORES

Licensing and regulation of slaughterhouses and knackers' yards

Slaughterhouses and knackers' yards to be licensed.

62.—(1) It shall not be lawful—

- (a) for the occupier of any premises to use them as a slaughterhouse or knacker's yard, or to permit them to be so used, unless he holds a licence under this Part of this Act authorising him to keep those premises as a slaughterhouse or, as the case may be, a knacker's yard, or
- (b) for any person other than the occupier to use any premises as a slaughterhouse or knacker's yard, unless the occupier of the premises holds in respect thereof such a licence as aforesaid.

(2) Licences under this Part of this Act shall be granted by the local authority, subject to and in accordance with the provisions of this Part of this Act.

(3) In relation to the use of any premises for or in connection with the slaughter of horses, a licence under this Part of this Act shall be of no effect unless the licence expressly authorises the use of the premises for that purpose.

In this subsection "horse" includes ass and mule.

(4) A person who uses any premises as a slaughterhouse or knacker's yard in contravention of the provisions of this section, or permits any premises to be so used, shall be guilty of an offence.

PART IV
—cont.

63.—(1) Subject to the provisions of this Part of this Act, a local authority on receiving from the occupier of, or a person proposing to occupy, any premises an application for the grant or renewal of a licence authorising him to keep those premises as a slaughterhouse, or as a knacker's yard, may grant or renew to him a licence in respect of those premises : Application for and grant of licences.

Provided that the authority shall not grant or renew a licence until an officer of the authority has inspected the premises named in the application and has made a report thereon.

(2) Where any premises used or to be used for the confinement of animals awaiting slaughter in a slaughterhouse or knacker's yard are situated outside the curtilage of the premises used or to be used for the slaughter, separate licences may be granted under this Part of this Act authorising the use of those premises for the purposes of the confinement and the slaughter respectively.

(3) A local authority may require a person who applies for the grant or renewal of a licence under this Part of this Act to give to them, before his application is considered, information as to any other licence in respect of a slaughterhouse or knacker's yard which he holds or has held, either in their district or in the district of another local authority ; and if an applicant who is so required gives to the authority any information which is false in a material respect, he shall be guilty of an offence.

64. Notwithstanding anything in this Part of this Act, no slaughterhouse licence shall, except with the consent of the Minister of Agriculture, Fisheries and Food (hereafter in this Part of this Act referred to as "the Minister"), be granted or renewed by a local authority unless the premises in respect of which the application for the grant or renewal is made have previously been used as a slaughterhouse under the authority of a licence under this Part of this Act or, not having been so used,— Restriction on licensing of new slaughterhouses.

- (a) were, at any time when the Food and Drugs Act, 1938, was in force, used as a slaughterhouse under the authority of a licence under section fifty-seven of that Act, or
- (b) were, at any time during the period of five years immediately preceding the commencement of that Act, in use as a slaughterhouse and registered or licensed as such under any enactment repealed by that Act.

PART IV
—*cont.*

Particular
grounds for
refusal of
licence.

65.—(1) Without prejudice to the foregoing provisions of this Part of this Act, a local authority may refuse an application made to them for the grant or renewal of a licence under this Part of this Act in respect of any premises if they are not satisfied that the requirements of—

(a) any regulations in force under section thirteen of this Act and made for the purposes of paragraphs (a) or (b) of subsection (2) of that section, or

(b) any byelaws made by the authority and in force under section sixty-eight of this Act,

are complied with in respect of those premises, or will be complied with before the date on which the licence or renewed licence comes into force.

(2) Subject to the right of appeal provided for by the next following section, a licence under this Part of this Act shall not be granted or renewed in respect of any premises unless the local authority are satisfied that the requirements of any regulations in force under the Slaughter of Animals (Amendment) Act, 1954, with respect to the construction, lay-out and equipment of premises are complied with in respect of those premises, or will be complied with before the date on which the licence or renewed licence comes into force.

Notification
of, and appeal
against,
refusal of
licence.

66.—(1) If a local authority refuse to grant, or refuse to renew, a licence under this Part of this Act, they shall forthwith give notice to the applicant of their decision in the matter.

(2) A local authority who have given to a person such a notice as aforesaid shall, if so required by him within fourteen days from the date of their decision, give to him, not later than forty-eight hours after receiving the requirement, a statement of the grounds on which their refusal was based.

(3) A person aggrieved by the refusal of a local authority to grant a licence under this Part of this Act, or to renew such a licence, may appeal to a magistrates' court.

(4) For the purposes of this section, a refusal by a local authority—

(a) to grant a licence with an express authorisation under subsection (3) of section sixty-two of this Act, or

(b) to renew a licence with such an authorisation as aforesaid,

shall be treated as a refusal to grant or, as the case may be, as a refusal to renew a licence.

Duration
of licences.

67.—(1) Subject to the provisions of this section, a licence under this Part of this Act shall remain in force for such period not exceeding thirteen months as may be fixed by the local

authority, but may from time to time be renewed by them for a period not exceeding thirteen months at any one time.

PART IV
—cont.

(2) Where before the first day of July, nineteen hundred and fifty-six, a licence under this Part of this Act authorising the occupier of any premises to keep them as a slaughterhouse is granted or renewed by a local authority, the period fixed by the authority for the licence to remain in force or, as the case may be, the period for which it is renewed may exceed thirteen months so long as it does not end later than the thirty-first day of July, nineteen hundred and fifty-nine:

Provided that this subsection shall not apply in any case where it appears to the local authority that the premises in respect of which the licence is granted or renewed are, so far as they are to be used for slaughter, to be used wholly or mainly for the slaughter of horses.

68.—(1) A local authority may, and shall if so required by the Minister, make byelaws—

Byelaws about slaughterhouses and knackers' yards.

- (a) for securing that slaughterhouses and knackers' yards are kept in a sanitary condition and are properly managed, and
- (b) requiring a person licensed under this Part of this Act to keep a knacker's yard to keep, and to produce when required, records of animals brought into the yard and of the manner in which those animals and the different parts thereof were disposed of.

(2) Nothing in the Slaughter of Animals Acts, 1933 to 1954, shall be construed as restricting any power to make byelaws under paragraph (a) of the foregoing subsection, or as rendering invalid any byelaws made under section fifty-eight of the Food and Drugs Act, 1938, or under any corresponding enactment repealed by that Act.

(3) If a person convicted of an offence against any byelaw made under this section holds a licence under this Part of this Act, the court may, in addition to any other punishment, cancel the licence.

69.—(1) The occupier of a slaughterhouse or knacker's yard in respect of which a licence under this Part of this Act is in force shall display in a conspicuous position on the premises a legible notice with the words "Licensed Slaughterhouse" or "Licensed Knacker's Yard", as the case may be.

Signs to be displayed at slaughterhouses and knackers' yards.

(2) A person who fails to comply with the provisions of this section shall be liable to a fine not exceeding forty shillings.

PART IV
—*cont.*

Provision and management of public slaughterhouses

Functions of local authorities in relation to slaughterhouse accommodation.

70.—(1) It shall be the duty of every local authority, if and so far as it appears to them that additional slaughterhouse facilities are required in their district having regard to the reasonable requirements of persons making use of such facilities, to make such use of their powers under any enactment or statutory order as they think expedient for securing the provision of the facilities required.

(2) In the following provisions of this Part of this Act the expression “slaughterhouse facilities” means facilities for carrying on the activities of a slaughterhouse, including plant and apparatus and the services of persons as slaughtermen or otherwise.

Power to provide public slaughterhouses.

71.—(1) Subject to the provisions of this section, a local authority may provide public slaughterhouses.

(2) Any proposal by a local authority to provide under this section a slaughterhouse within the district of another local authority shall require the consent of that authority; but such consent shall not be unreasonably withheld, and any question whether or not the consent of an authority for the purposes of this subsection is unreasonably withheld shall be referred to and determined by the Minister.

(3) It is hereby declared that the power conferred on local authorities by subsection (1) of this section is exercisable in either of the following ways, that is to say—

- (a) by acquiring (whether by purchase, lease or otherwise) or appropriating land and providing slaughterhouse facilities there, or
- (b) by acquiring (whether by purchase, lease or otherwise) land on which such facilities have been provided by other persons and securing that such facilities continue to be provided there;

and references in this Part of this Act to a local authority providing a slaughterhouse shall be construed accordingly.

(4) Nothing in sections sixty-two to sixty-nine of this Act shall apply in relation to a public slaughterhouse provided by a local authority under this, or any other, Act.

Management of public slaughterhouses.

72.—(1) In the case of a public slaughterhouse, a local authority—

- (a) may, and shall if so required by the Minister, make byelaws for securing that the slaughterhouse is kept in a sanitary condition and is properly managed;

- (b) may provide plant or apparatus for disposing of, treating or processing waste matters, refuse or by-products, resulting from the slaughter of animals in the slaughterhouse ;
- (c) subject to the next following subsection, may make such arrangements as they think expedient for securing that all the activities of the slaughterhouse, or any particular activities, are carried on there by servants or agents of theirs to the exclusion of other persons.

(2) A local authority shall not exercise the power conferred by paragraph (c) of the foregoing subsection in such a manner as to deny to any religious community reasonable facilities for obtaining as food the flesh of animals slaughtered by the method specially required by their religion.

(3) In subsection (1) of this section the expression " public slaughterhouse " means a slaughterhouse provided by the local authority under section seventy-one of this Act or under section sixty of the Food and Drugs Act, 1938, and includes—

- (a) for the purposes of paragraphs (a) and (b) of that subsection, a public slaughterhouse provided by the authority under any enactment repealed by the said Act of 1938 or by the Public Health Act, 1875, and
- (b) for the purposes of paragraph (c) of that subsection, a public slaughterhouse provided by the authority under a local Act or statutory order.

73.—(1) Subject to the provisions of this section, a local authority who have provided a public slaughterhouse may make charges, according to scales determined by them from time to time, in respect of the use of the slaughterhouse or of any services provided there.

Charges in respect of public slaughterhouses.

(2) Every scale of charges determined by a local authority for the purposes of this section shall be published by them in at least one newspaper circulating in their district and in such other manner (if any) as they think expedient for informing persons interested ; and a copy of every scale of charges so published shall be sent by the authority to the Minister.

(3) If it appears to the Minister that a scale of charges determined by a local authority for the purposes of this section is in any respect unreasonable, he may, after consultation with the authority, direct them—

- (a) to make such alterations in the scale as he considers appropriate, and
- (b) except with his approval, not to depart from the scale as altered for such period as he may specify ;

and the authority shall comply with the direction.

PART IV
—cont.

Restriction of private slaughterhouses by agreement.

Restriction of private slaughterhouses

74. A local authority may, with a view to reducing the number of private slaughterhouses,—

- (a) acquire by agreement any premises in their district which are used as a slaughterhouse and discontinue the use of the premises for that purpose ;
- (b) agree with the persons interested in any premises in the district which are used as a slaughterhouse for the discontinuance of slaughtering on those premises.

Compulsory restriction of private slaughterhouses.

75.—(1) Subject to the following provisions of this section, where a local authority—

- (a) have provided a public slaughterhouse, or
- (b) are of opinion that slaughterhouse facilities in their district ought to be abolished or reduced having regard to the existence of adequate alternative slaughterhouse facilities provided by another authority,

they may by a resolution determine that, after the appointed date for the purposes of their resolution, no fresh slaughterhouse licence shall be granted by them, and that on the said date all slaughterhouse licences then in force shall cease to have effect and shall not be renewable.

(2) A resolution of a local authority under this section shall not have effect until it has been approved by the Minister ; and the appointed date for the purposes of the resolution shall be a date appointed by the Minister if he approves the resolution.

(3) A resolution under this section may exempt from the operation thereof any specified existing slaughterhouse and may reserve power for the local authority, with the approval of the Minister, to grant for special reasons a fresh licence ; and the Minister in approving the resolution may modify it by inserting such an exemption or reservation.

(4) Where a resolution of a local authority under this section has taken effect and any premises used as a slaughterhouse have under the last foregoing subsection been exempted from the operation of the resolution, or the local authority since the passing of the resolution have in the exercise of a power reserved for them under the said subsection granted a fresh licence in respect of any premises in their district, then in neither case shall the authority refuse any subsequent application for the grant or renewal of a slaughterhouse licence in respect of the premises in question, unless—

- (a) the Minister has consented to the refusal ; or
- (b) the authority are not, in relation to the premises, satisfied as mentioned in subsection (1) of section sixty-five of this Act,

and in any case to which paragraph (a) of this subsection applies no appeal against the refusal shall lie under subsection (3) of section sixty-six of this Act.

PART IV
—cont.

76.—(1) Where a local authority are satisfied that the slaughterhouse facilities available in their district are adequate for the time being having regard to the reasonable requirements of persons making use of such facilities, and that no additional facilities are required in the district, they may by a resolution determine that, after the date when the resolution has effect, no slaughterhouse licence will be granted or renewed by them in respect of any premises in their district which were not on that date licensed under this Part of this Act; or that such a licence will be granted or renewed only in special cases and with the consent of the Minister.

Resolution of local authority to restrict future grant of licences.

(2) A resolution under this section shall not have effect until it has been approved by the Minister.

77.—(1) So soon as any resolution under section seventy-five or section seventy-six of this Act has been passed, it shall be published in one or more local newspapers circulating in the district and, in the case of a resolution under the said section seventy-five, a copy of the resolution shall be served on every person licensed under this Part of this Act to keep a slaughterhouse within the district.

Publication, etc., of resolutions.

(2) Before approving any such resolution the Minister shall take into consideration any representation received by him within two months from the date of the first publication of the resolution, and shall not approve the resolution unless he is satisfied that there will be slaughterhouse accommodation adequate to meet the needs of the inhabitants of the district.

(3) The Minister may, in giving or withholding his approval to a resolution of a local authority under either of the said sections, direct the authority to take such steps as he may specify for informing persons interested of the effect of the resolution and his decision thereon, and also, in the case of a resolution under section seventy-five of this Act which he has approved, of the date fixed by him as the appointed date for the purposes thereof; and the authority shall comply with any such direction.

78.—(1) Where in consequence of a resolution of a local authority having effect under section seventy-five of this Act a slaughterhouse licence in respect of any premises ceases to have effect, any person having an interest in those premises, or in any land held therewith, being an interest of which the value is reduced in consequence of the resolution, shall be entitled to be paid by the authority by way of compensation an amount equal to the reduction.

Compensation for closure.

PART IV
—*cont.*

(2) Where an application for the grant or renewal of a slaughterhouse licence in respect of any premises to which subsection (4) of section seventy-five of this Act applies is refused by a local authority otherwise than on the grounds specified in paragraph (b) of that subsection, any person having an interest in the premises, or in any land held therewith, being an interest of which the value is reduced in consequence of the refusal, shall be entitled to be paid by the authority by way of compensation an amount equal to the reduction.

(3) In ascertaining for the purposes of this section what was at any material time the value of a person's interest in premises or land held therewith, the following provisions shall apply, that is to say:—

- (a) the value of the interest at the material time shall be taken to be the amount which the interest would have realised at that time on a sale thereof in the open market by a willing seller;
- (b) account shall be taken of the value of any plant or machinery, being fixtures, which were on the premises at the said time;
- (c) in relation to the value of the interest before the event giving rise to compensation under this section in respect of that interest, it shall be assumed that the sale referred to in paragraph (a) of this subsection would have been to a purchaser having reason to suppose that an application by him to the local authority for the grant of a slaughterhouse licence in respect of those premises would be granted subject to the premises being, or being rendered, suitable for use as a slaughterhouse;
- (d) subject to paragraph (b) of this subsection, no regard shall be had to goodwill or to any other matter not directly based on the value of the premises or land as such.

(4) Where any dispute arises as to whether compensation is payable to any person under this section, or as to the amount of any such compensation, the dispute shall be referred to and determined by the Lands Tribunal.

(5) Where a local authority have incurred any liability to pay any sums by way of compensation under this section, the Minister may, out of moneys provided by Parliament, make a grant to the authority of an amount not exceeding one half of those sums.

(6) It is hereby declared that a person's entitlement to compensation under this section in respect of any interest of his in premises is not to be treated as taken away by any undertaking not to claim the compensation which may have been given in connection with the grant or renewal of a slaughterhouse licence.

79. Where under a local Act a local authority are required to pay or tender compensation in respect of slaughterhouses of any specified class the use of which is rendered unlawful by reason of the provision of a public slaughterhouse by the authority, then for the purposes of that requirement a slaughterhouse which—

- (a) immediately before the commencement of the Food and Drugs Act, 1938, was a slaughterhouse of any such class, and
 - (b) immediately before the commencement of this Act was by virtue of subsection (7) of section sixty-one of that Act deemed to continue to be such a slaughterhouse,
- shall be deemed to continue to be such a slaughterhouse so long as it remains licensed under this Part of this Act.

PART IV
—cont.
Special provisions where compensation payable under local Act.

Cold-air stores, etc.

80.—(1) Subject to the provisions of this section, a local authority who have provided, or are about to provide, a public slaughterhouse or a market, may, with the approval of the Minister, provide a cold-air store or refrigerator for the storage and preservation of meat and other articles of food and may make charges in respect of the use of any such store or refrigerator.

Power to provide cold stores and refrigerators

(2) Any proposal by a local authority to provide under this section a cold-air store or refrigerator within the district of another local authority shall require the consent of that authority; but such consent shall not be unreasonably withheld and any question whether or not the consent of an authority for the purposes of this subsection is unreasonably withheld shall be referred to and determined by the Minister.

(3) A local authority who intend to apply for the approval of the Minister under subsection (1) of this section shall, at least one month before making the application, give notice of their intention by advertisement in one or more local newspapers circulating in their district, and, where the consent of the local authority of another district is required, in one or more local newspapers circulating in that district; and the Minister shall consider any objection to the authority's proposals which he may receive within four weeks after the publication of the advertisement from any person appearing to him to be interested, and, in the event of any such objection being received and not withdrawn, shall cause a local inquiry to be held.

Saving

81. Nothing in this Part of this Act shall apply to any slaughterhouse or knacker's yard forming part of an imported animals' wharf or landing place approved by the Minister under the Diseases of Animals Act, 1950, for the purpose of the landing of imported animals.

Saving for port slaughterhouses and knackers' yards.

PART V

ADMINISTRATION, ENFORCEMENT AND LEGAL PROCEEDINGS

Administration

Food Hygiene
Advisory
Council.

82.—(1) There shall be constituted a Council, to be called the Food Hygiene Advisory Council, which shall consist of a chairman appointed by the Ministers and such number of other members so appointed as the Ministers may determine.

(2) The members of the said Council so appointed shall include—

- (a) persons appearing to the Ministers to be qualified to represent the interests of the public generally in relation to matters of food hygiene and related matters,
- (b) persons appearing to the Ministers to be representative of persons carrying on any of the classes of trade or business affected by the operation of this Act in relation to food, and
- (c) persons appearing to the Ministers to be representative of workers employed in any of the said classes of trade or business ;

and the terms of their appointment shall be such as the Ministers may determine.

(3) The Ministers or either of them may from time to time refer to the said Council for consideration or advice such questions as they think fit, being questions relating to this Act as it applies in relation to food.

(4) Without prejudice to the last foregoing subsection, where the Ministers propose—

- (a) to make any regulations under section seven, section thirteen or section twenty-one of this Act, or
- (b) to make an order under section seventeen of this Act, or
- (c) to publish any such code of practice as is mentioned in subsection (8) of section thirteen of this Act,

they shall (unless it appears to them to be inexpedient to do so having regard to the urgency of the matter) refer the proposals in the form of draft regulations, or a draft order or draft code of practice, or otherwise, to the Food Hygiene Advisory Council for consideration and advice.

(5) The Minister of Health may, out of moneys provided by Parliament, pay to the chairman and other members of the Food Hygiene Advisory Council, and to persons attending meetings at the request of the Council, such allowances as he may, with the approval of the Treasury, determine in respect of travelling and subsistence expenses and in respect of other expenses (if any) necessarily incurred by them for the purpose of enabling them to discharge their functions as members of the Council.

(6) Nothing in this section shall be taken as prejudicing the effect of subsection (6) of section one hundred and twenty-three of this Act.

PART V
—cont.

83.—(1) Subject to the provisions of this section, the food and drugs authorities for the purposes of this Act shall be as follows, that is to say—

- (a) for the City of London, the Common Council ;
- (b) for every county borough or metropolitan borough, the council of the borough ;
- (c) for every non-county borough or urban district, being a borough or district of which the population, according to the last published census for the time being, is forty thousand or upwards, the council of the borough or district ; and
- (d) for every area within a county for which no other council is for the time being the food and drugs authority, the council of the county.

(2) Where, apart from this subsection, the council of a non-county borough or urban district would become the food and drugs authority for that borough or district in consequence of the publication of any census, and the Minister of Health is satisfied, upon application made by the council of the county in which the borough or district is comprised, that the area or areas in respect of which the last mentioned council would in that event be the food and drugs authority are inconvenient in size, shape or situation for the efficient performance of their duties as such, he may direct that the council of the county shall, so long as the directions remain in force, continue to be the food and drugs authority for the borough or district.

Any directions given by the Minister of Health before the commencement of this Act under paragraph (a) of the proviso to section sixty-four of the Food and Drugs Act, 1938 (which provided, in terms similar to those of this subsection, for the local authority being displaced as food and drugs authority by the county council), shall continue in force and have effect as if given under this subsection.

(3) Where, according to the last published census for the time being, the population of a non-county borough or urban district is less than forty thousand and the Minister of Health is satisfied, upon application made by the council of that borough or district, that it is expedient that that council should continue to be or should become the food and drugs authority for the borough or district, he may, subject to the provisions of subsection (4) of this section, direct that so long as the directions

X*

PART V
—*cont.*

remain in force that council shall continue to be or, as the case may be, shall be the food and drugs authority for the borough or district.

Any directions given by the Minister of Health before the commencement of this Act under paragraph (b) of the proviso to section sixty-four of the Food and Drugs Act, 1938 (under which a local authority could be made the food and drugs authority for their area, in place of the county council) shall continue in force and have effect as if given under this subsection.

(4) Where according to the last published census for the time being the population of a non-county borough or urban district is less than twenty thousand, no directions shall be given under subsection (3) of this section that the council of the borough or district shall become the food and drugs authority:

Provided that such directions may be given if it appears from any estimate published by the Registrar General that the population of the borough or district is for the time being more than twenty thousand and the Minister of Health thinks it expedient that the council should become the food and drugs authority in advance of the next census.

(5) Where immediately before the publication of any census the council of a non-county borough or urban district were the food and drugs authority for the borough or district (otherwise than in pursuance of directions given by the Minister of Health after the taking of the census and by virtue only of the proviso to the last foregoing subsection) and the population of the borough or district is shown by the census to be less than twenty thousand,—

(a) the council shall cease to be the food and drugs authority, and

(b) any directions in force under subsection (3) of this section in respect of the borough or district shall cease to have effect.

(6) The foregoing provisions of this section shall have effect notwithstanding anything to the contrary in any charter of incorporation granted before the commencement of this Act in the case of a borough, or in any scheme confirmed in connection with the grant of such a charter, under Part VI of the Local Government Act, 1933, or Part XI of the Municipal Corporations Act, 1882.

Supplementary provisions as to food and drugs authorities.

84.—(1) An application for directions under the last foregoing section, being—

(a) an application under subsection (2) of that section, or

(b) an application under subsection (3) of that section for directions that a council shall continue to be a food and drugs authority,

PART V
—cont.

shall be made before the first day of January next after the expiration of a period of three months from the publication of the relevant census.

(2) Any council who become or cease to be a food and drugs authority under the last foregoing section in consequence of the publication of any census shall become or cease to be such an authority on the first day of April next after the expiration of a period of six months from the publication of the census or, where an application for directions under that section in respect of the borough or district concerned is duly made, on such later date, if any, as the Minister of Health may determine.

(3) Any directions given, or having effect as if given, by the Minister of Health under the last foregoing section may at any time be revoked by that Minister as from such date as he may determine; but except as provided by this subsection and subsection (5) of that section, such directions shall continue in force notwithstanding the publication of any subsequent census in respect of the area to which they relate.

(4) Upon any change in the council who are the food and drugs authority for any borough or district, anything done before the date on which the change takes effect by, to or before the council who were then the food and drugs authority shall have effect for the purposes of this Act as if done by, to or before the council who become the food and drugs authority; and any proceedings under this Act which on that date were pending by or against the first mentioned council may be continued accordingly by or against the second mentioned council, and shall not abate by reason of the change.

(5) For the purposes of the last foregoing section and this section, a census shall be deemed to be published in relation to any borough or district on the date on which the Registrar General, in pursuance of the Census Act, 1920, publishes a report giving the population of that borough or district, not being a report which is, or purports to be, of a provisional nature.

85. In this Act, except in sections forty-two and forty-three, the expression "local authority" means—

Local
authorities for
purposes of this
Act.

- (a) as respects the City of London, the Common Council;
- (b) as respects a metropolitan borough, the council of the borough;
- (c) as respects the Inner Temple and the Middle Temple, the respective overseers thereof; and
- (d) as respects any other borough and any urban district or rural district, the council of the borough or district.

X* 2

PART V
—cont.
Meaning of
“authorised
officer”.

86.—(1) Subject to the provisions of this section, the expression “authorised officer”, where used in this Act in relation to a council,—

- (a) means an officer of the council authorised by them in writing, either generally or specially, to act in matters of any specified kind or in any specified matter, and
- (b) for the purposes of any provision of this Act relating to the taking of samples, includes a police constable so authorised with the approval of the police authority concerned.

(2) The medical officer of health and the sanitary inspector of a council shall by virtue of their appointments be deemed to be authorised officers of the council for all the purposes of this Act.

(3) Any member of the Royal College of Veterinary Surgeons employed by a council for the purpose of the inspection of food shall be deemed to be an authorised officer of the council for the purpose of the examination and seizure of meat under the provisions of Part I of this Act relating to food unfit for human consumption.

(4) No officer of a council shall be authorised under this Act to act in relation to the examination and seizure of meat, unless he is—

- (a) the medical officer of health,
- (b) a sanitary inspector,
- (c) a member of the Royal College of Veterinary Surgeons employed as mentioned in the last foregoing subsection, or
- (d) a person having such qualifications as may be prescribed by regulations made by the Ministers.

Authorities
responsible for
enforcement.

87.—(1) It shall be the duty of the authorities specified in the first column of the Sixth Schedule to this Act to secure the enforcement and execution of the provisions which are specified in relation to them respectively in the second column of the said Schedule, being provisions of this Act or of regulations made thereunder.

(2) It shall be the duty of every local authority to enforce and execute in their district the provisions of any section of this Act with respect to which the duty is not expressly, or by necessary implication, imposed on some other authority.

(3) Regulations made under Part I of this Act, Milk and Dairies Regulations and Milk (Special Designation) Regulations shall specify the authorities by whom they are to be enforced or executed, being—

- (a) in the case of regulations made under Part I of this Act, county councils, local authorities, food and drugs

authorities, port health authorities, the Commissioners of Customs and Excise, or local authorities for the purposes of the Weights and Measures Acts, 1878 to 1936;

PART V
—cont.

- (b) in the case of Milk and Dairies Regulations and Milk (Special Designation) Regulations, county councils, local authorities, food and drugs authorities, or port health authorities;

and any regulations to which this subsection applies may provide for the giving of assistance and information, by any authority concerned in the administration of the regulations, or of this Act, to any other authority so concerned, for the purposes of their respective duties thereunder:

Provided that this subsection shall not apply to the enforcement or execution of so much of any regulations made under Part II of this Act as is, by virtue of subsection (1) of this section, enforceable by the Minister of Agriculture, Fisheries and Food.

88.—(1) Orders made by the Minister of Health under section three of the Public Health Act, 1936, may assign to a port health authority any of the functions, rights and liabilities of a local authority or food and drugs authority under this Act. Port health authorities and joint boards.

(2) Orders made by the Minister of Housing and Local Government under section six or section eight of the said Act of 1936 may—

- (a) constitute a united district for the purposes of any functions under this Act which are functions of a local authority, whether as a food and drugs authority or otherwise, or
- (b) empower councils of counties and of county boroughs to discharge through a joint board any of their functions, in whatever capacity, under this Act.

(3) Any order made under the Public Health Act, 1936, by virtue of the foregoing provisions of this section may be amended under section nine of the said Act by the Minister by whom it was made, and, for the purposes of section three hundred and eleven of the said Act (which relates to the power of the Public Works Loan Commissioners to lend money to councils) as incorporated in this Act, orders made under that Act by virtue of the foregoing provisions of this section shall be deemed to be made under this Act.

(4) The functions, rights and liabilities which the Minister of Health may by an order under subsection (1) of section six of the Public Health (London) Act, 1936, vest in or impose

PART V
—*cont.*

on the port health authority of the Port of London shall include any functions, rights and liabilities of a local authority or food and drugs authority under this Act; and the provisions and byelaws which any such order may extend as mentioned in subsection (3) of the said section shall include any of the provisions of this Act which it is the function of a local authority or food and drugs authority to carry into effect; and any byelaws made under any of those provisions, and any order previously made under the said section six may be amended accordingly.

For the purposes of this subsection, the making of byelaws under section fifteen of this Act shall be deemed to be a function of a local authority, notwithstanding that, in relation to parts of London outside the City, byelaws under that section may be made only by the London County Council.

Sampling and analysis

**Public
analysts.**

89.—(1) Every food and drugs authority shall appoint in accordance with the provisions of this section one or more persons (in this Act referred to as “public analysts”) to be analysts of food and drugs within their area.

(2) No person shall be appointed a public analyst unless he possesses either the qualifications prescribed by regulations made by the Ministers or such other qualifications as the Ministers may approve, and no person shall be appointed public analyst for any area who is engaged directly or indirectly in any trade or business connected with the sale of food or drugs in that area.

(3) The appointment of a public analyst and the terms of his appointment, and the removal of a public analyst, shall require the approval of the Minister of Agriculture, Fisheries and Food.

(4) A food and drugs authority shall pay to a public analyst such remuneration as may be agreed, which may be expressed to be payable either in addition to any fees received by him under this Part of this Act, or on condition that any fees so received by him are paid over by him to the authority.

(5) A food and drugs authority who appoint only one public analyst may appoint also a deputy to act during any vacancy in the office of public analyst, or during the absence or incapacity of the holder of the office, and—

- (a) the foregoing provisions of this section with respect to the qualifications, appointment, removal and remuneration of a public analyst shall apply also in relation to a deputy public analyst, and
- (b) any reference in the following provisions of this Act to a public analyst shall be construed as including a reference to a deputy public analyst appointed under this subsection.

PART V
—cont.

90. A county council or local authority may provide facilities for bacteriological and other examinations of samples of food and drugs.

Facilities for examination of food and drugs.

91.—(1) An authorised officer of a council may exercise such powers of procuring samples for analysis, or for bacteriological or other examination, as are conferred upon him by this section, and any such officer is in this Act referred to as a “sampling officer”.

Powers of sampling.

(2) A sampling officer may purchase samples of any food or drug, or of any substance capable of being used in the preparation of food; but nothing in this subsection shall be construed as authorising any purchase or sale of drugs in contravention of the Dangerous Drugs Act, 1951. or of regulations made thereunder.

(3) Subject to the provisions of this section, a sampling officer may take a sample of any food, or of any substance capable of being used in the preparation of food, which appears to him to be intended for sale, or to have been sold, for human consumption, or is found by him on or in any premises, stall, vehicle, ship, aircraft or place which he is authorised to enter for the purposes of the execution of this Act.

(4) Without prejudice to the last foregoing subsection, a sampling officer—

(a) may take a sample of milk while at any dairy, or while deposited for collection, or at any time before it is delivered to a consumer in pursuance of a sale by retail,

(b) may, at the request of a person to whom any food or substance is, or is to be, delivered in pursuance of a contract of sale, take a sample of that food or substance in the course of delivery, or at the place of delivery.

(5) A sampling officer who under this section takes a sample of the milk of any cows at a dairy may take such steps at the dairy as may be necessary to satisfy himself that the sample is a fair sample of the milk of the cows when properly and fully milked.

(6) Except as provided by subsection (4) of this section, or with the consent of the purchaser, a sampling officer shall not take a sample of any food or substance which appears to him to have been sold by retail, either while the food or substance is in the course of delivery to the purchaser, or at any time after such delivery; and nothing in this section shall authorise a sampling officer to take a sample of any food or substance in a ship (not being a home-going ship) or in any aircraft, other than food imported as part of the cargo of that ship or aircraft.

PART V
—*cont.*

(7) The powers of taking samples of milk which are conferred on a sampling officer by subsections (3) to (6) of this section shall be exercisable throughout any county by an authorised officer of the county council, whether or not the council is the food and drugs authority for the whole county.

(8) Any power of an authorised officer in respect of procuring samples of milk may be exercised at a place outside the area of the council whose officer he is, if the food and drugs authority of the area within which that place is situated have consented to samples of milk being procured within their area by officers of the first-mentioned council, and, for the purposes of this Act, any samples so procured shall be deemed to have been procured within the area for which the officer in question acts.

A food and drugs authority shall not unreasonably withhold their consent for the purposes of this subsection; and any question whether or not such consent is unreasonably withheld shall be referred to and determined by the Minister of Health.

**Right to have
samples
analysed.**

92.—(1) If a sampling officer who has procured a sample of any food, drug or substance considers that it should be analysed, he shall submit it to be analysed by the public analyst for the area in which the sample was, or is deemed to have been, procured.

(2) A person, other than a sampling officer, who has purchased any food or drug, or any substance capable of being used in the preparation of food, may submit a sample of it to be analysed by the public analyst for the area in which the purchase was made.

(3) The public analyst shall analyse as soon as practicable any sample submitted to him in pursuance of this section, but may, in the case of a sample submitted by a person not being an officer of the food and drugs authority, demand in advance the payment of such fee as may be fixed by the authority.

(4) If—

(a) the office of public analyst for the area in question is vacant, or

(b) the public analyst determines that he is for any reason unable to perform an effective analysis,

the sample shall be submitted or, as the case may be, sent by the public analyst to whom it was originally submitted, to the public analyst for some other area, and he shall, upon payment to him of such sum as may be agreed, analyse the sample.

(5) A public analyst who has analysed a sample shall give to the person by whom it was originally submitted a certificate specifying the result of the analysis; and any such certificate shall be in a form prescribed by regulations made by the Ministers.

(6) Any certificate of the results of an analysis given by a public analyst in pursuance of this section shall be signed by the public analyst, but the analysis may be made by any person acting under the direction of the analyst.

PART V
—cont.

93.—(1) A sampling officer who purchases or takes a sample of any food, drug or substance for the purpose of analysis by a public analyst shall deal with the sample in accordance with the provisions of Part I of the Seventh Schedule to this Act.

Provisions as to samples taken for analysis.

(2) Part I of the said Schedule shall apply to the purchase of samples by any person who is neither a sampling officer nor a person having the powers of a sampling officer as they apply in relation to the purchase of samples by a sampling officer; and references therein to a sampling officer shall be construed accordingly.

(3) If it appears to a sampling officer that any food, drug or substance, of which he has procured a sample for the purpose of analysis by a public analyst, was manufactured or put into its wrapper or container by a person (not being a person to whom one part of the sample is required to be given under Part I of the Seventh Schedule to this Act) having his name and an address in the United Kingdom displayed on the wrapper or container, the officer shall, unless he decides not to have an analysis made, within three days of procuring the sample send to that person a notice informing him that the sample has been procured by the officer and where the sample was taken or, as the case may be, from whom it was purchased.

(4) Where a sample taken or purchased by a sampling officer has been analysed by a public analyst, any person to whom a part of the sample was given under Part I of the Seventh Schedule to this Act shall be entitled, on payment to the authority by whose officer the sample was procured of a fee of one shilling, to be supplied with a copy of the certificate given by the public analyst under subsection (5) of section ninety-two of this Act.

94.—(1) The provisions of this Act relating to the procuring of samples by a sampling officer, and to proceedings in connection therewith, shall, in relation to milk, have effect subject to the provisions of Part II of the Seventh Schedule to this Act.

Special provisions as to sampling of milk and subsequent proceedings.

(2) Where milk sold or exposed for sale within the area of any council is obtained from a dairy situated outside that area, the medical officer of health or any other authorised officer of the council may by notice in writing to the medical officer of health or other authorised officer of a food and drugs authority

PART V
—cont.

within whose area the dairy is situated, or through whose area the milk is transported, request him to procure samples of the milk, and it shall be the duty of an officer who receives such a notice to procure, as soon as is practicable, samples of the milk in question and to forward those samples to the officer who gave the notice, or to such person as that officer may direct, and, for the purposes of this Act, samples so procured shall be deemed to have been procured within the area for which the last mentioned officer acts.

(3) So much of any contract as requires a purveyor of milk, on a sample of milk being procured under this Act, to send to the person from whom he obtained the milk any part of that sample, or to give to that person notice that a sample has been so procured, shall be void.

(4) It shall be a defence for a person charged with an offence under this Act, or under regulations made thereunder, in respect of a sample of milk taken after the milk has left his possession, to prove that the churn or other vessel in which the milk was contained was effectively closed and sealed at the time when it left his possession, but had been opened before the person by whom the sample was taken had access to it.

Power of
Minister's
inspectors to
take samples of
milk.

95. The powers of sampling officers to take samples under section ninety-one of this Act may be exercised also, in relation to milk—

- (a) in any case, by an inspector of the Minister of Agriculture, Fisheries and Food ; and
- (b) for purposes connected with the enforcement of any provisions which, by virtue of subsection (1) of section eighty-seven of this Act, are enforceable by the said Minister, by an authorised officer of his ;

and references to a sampling officer in subsection (6) of the said section ninety-one, in section ninety-three of this Act, and in Part I of the Seventh Schedule thereto, shall be construed accordingly.

Power of
Minister to
have foods
analysed and
examined.

96.—(1) The Minister of Agriculture, Fisheries and Food may, in relation to any matter appearing to him to affect the general interests of consumers or the general interests of agriculture in the United Kingdom, direct an officer of his department to procure samples of any specified food, and thereupon the officer shall have all the powers of a sampling officer, and this Act shall apply as if he were a sampling officer, except that—

- (a) if he intends to submit any sample procured by him to be analysed, he shall divide it into four parts, and shall

deal with three of those parts in the manner directed by Part I of the Seventh Schedule to this Act, and send the fourth part to the said Minister, and

- (b) any fee for analysis shall be payable to the analyst by the food and drugs authority of the area in which the sample is procured.

(2) The Minister of Agriculture, Fisheries and Food shall communicate the result of the analysis of any such sample to the food and drugs authority, and thereupon the authority shall have the like duty to cause proceedings to be taken as if one of their officers had procured the sample and sent it to be analysed.

97. Where any person procures a sample consisting of a food, drug or substance contained in unopened containers, and the division into parts of the food, drug or substance contained in those containers—

- (a) is not reasonably practicable, or
 (b) might affect the composition, or impede the proper analysis, of the contents,

the provisions of Part I of the Seventh Schedule to this Act, or of section ninety-six of this Act, as the case may be, with respect to the division of samples into parts shall be deemed to be complied with if the person procuring the sample divides the containers into the requisite number of lots and deals with each lot as if it were a part in the manner provided by those provisions; and references in this Act to a part of a sample shall be construed accordingly.

Provision as to cases in which division of sample into parts is impracticable.

98. A local authority may, at the request of a person who has in his possession any food which has not been sold and is not intended for sale, and on payment by that person of such fee, if any, as may be fixed by the authority, arrange to have the food examined.

Examination by local authorities of food not for sale.

99.—(1) Every public analyst shall, as soon as may be after the last day of March, the last day of June, the last day of September and the last day of December in every year, report to the authority by whom he was appointed the number of articles which have been analysed by him under this Act in his capacity of public analyst for their area during the preceding quarter of a year and the result of each analysis.

Quarterly reports of analysts.

(2) Every food and drugs authority shall transmit to the Minister of Agriculture, Fisheries and Food, at such time as he may direct, a copy of each quarterly report received by them from a public analyst.

PART V
—cont.

PART V
—cont.

Enforcement

Power to enter premises.

100.—(1) Subject to the provisions of this section, an authorised officer of a council shall, on producing, if so required, some duly authenticated document showing his authority, have a right to enter any premises at all reasonable hours—

- (a) for the purpose of ascertaining whether there is or has been on, or in connection with, the premises any contravention of the provisions of this Act or of any regulations or byelaws made thereunder, being provisions which the council are required or empowered to enforce, and
- (b) generally for the purpose of the performance by the council of their functions under this Act or any such regulations or byelaws :

Provided that admission to any premises used only as a private dwelling-house shall not be demanded as of right unless twenty-four hours' notice of the intended entry has been given to the occupier.

(2) If a justice of the peace, on sworn information in writing,—

(a) is satisfied that there is reasonable ground for entry into any premises for any such purpose as aforesaid, and

(b) is also satisfied either—

(i) that admission to the premises has been refused, or a refusal is apprehended and that notice of the intention to apply for a warrant has been given to the occupier, or

(ii) that an application for admission, or the giving of such a notice, would defeat the object of the entry, or that the case is one of urgency, or that the premises are unoccupied or the occupier temporarily absent,

the justice may by warrant under his hand authorise the council by any authorised officer to enter the premises, if need be by force.

(3) An authorised officer 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 trespassers as he found them.

(4) Every warrant granted under this section shall continue in force for a period of one month.

(5) If any person who, in compliance with the provisions of this section, or of a warrant issued thereunder, is admitted into a factory or workplace discloses to any person any information obtained by him in the factory or workplace with regard to any manufacturing process or trade secret, he shall, unless the disclosure was made in the performance of his duty, be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months.

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—cont.

(6) Nothing in this section shall authorise any person, except with the permission of the local authority under the Diseases of Animals Act, 1950, to enter any cowshed or other place in which an animal affected with any disease to which that Act applies is kept and which is situated in a place declared under that Act to be infected with such a disease.

(7) This section shall not apply in relation to the enforcement of regulations made by the Board of Trade under section seven of this Act.

101.—(1) An authorised officer of a council shall, on producing, if so required, some duly authenticated document showing his authority, have a right at all reasonable hours—

Power to enter ships, aircraft, vehicles, etc.

- (a) to enter any ship or aircraft for the purpose of ascertaining whether there is in the ship or aircraft any food imported as part of the cargo in contravention of the provisions of regulations made under Part I of this Act, being provisions which the council are required or empowered to enforce, and
- (b) to enter any vehicle, stall or place other than premises, or any home-going ship, for any purpose for which he is empowered under the last foregoing section to enter premises.

(2) Subsections (2) to (4) of the last foregoing section shall apply in relation to any ship, aircraft, vehicle, stall or place which may be entered under the powers conferred by the foregoing subsection as they apply in relation to premises, and as if any reference to the occupier of premises were a reference to the master, commander or other person in charge of the ship, aircraft, vehicle, stall or place.

(3) This section shall not apply in relation to the enforcement of regulations made by the Board of Trade under section seven of this Act.

102. Section ten of the Sale of Food (Weights and Measures) Act, 1926 (which confers special powers of entry and inspection on inspectors of weights and measures), shall apply as if references therein to the said Act of 1926 and to its requirements

Powers of inspectors of weights and measures.

PART V
—cont.

included references respectively to regulations made by the Board of Trade under section seven of this Act and to the requirements of such regulations.

Powers of entry of Ministers' officers.

103.—(1) An inspector or authorised officer of the Minister of Agriculture, Fisheries and Food and an authorised officer of the Minister of Health shall, for the purpose of ascertaining whether there is or has been any contravention of the provisions of this Act or of any regulations or order made thereunder, being provisions which the Minister in question is required or empowered to enforce, have the powers of entry specified in the following subsection; and an inspector or authorised officer of the Minister of Agriculture, Fisheries and Food shall have the said powers for the purpose of taking any sample of milk under section ninety-five of this Act.

(2) The powers of entry referred to in the foregoing subsection are the like powers of entry as are exercisable under section one hundred or one hundred and one of this Act by an authorised officer of a council; and in relation to an inspector or officer to whom the said subsection applies, the reference in subsection (2) of section one hundred of this Act to the council shall be construed as a reference to the Minister of Agriculture, Fisheries and Food or the Minister of Health, as the case may be.

Restriction on movement of imported food.

104.—(1) Without prejudice to any power of examining food which may be conferred by regulations made under Part I of this Act, an authorised officer of a port health authority into whose district any food has been imported with a view to sale for human consumption may give directions to the person in possession of the food prohibiting or restricting its removal or delivery—

- (a) during any period not exceeding forty-eight hours, and
- (b) if within that period the officer so requires, until that person has notified the officer of the name of the person to whom, and the address to or at which, he proposes to send or deliver the food.

(2) The power conferred by the foregoing subsection on an authorised officer of a port health authority shall be exercisable also, in relation to an area not forming part of a port health district, by an authorised officer of a local authority or county council.

(3) A person who fails to comply with any direction given under subsection (1) of this section, or who in a notification thereunder knowingly makes any misstatement, shall be guilty of an offence; and subsection (3) of the next following section shall not apply.

105.—(1) A person who wilfully obstructs any person acting in the execution of this Act, or of any regulation, byelaw, order or warrant made or issued thereunder, shall be liable to a fine not exceeding five pounds:

PART V
—*cont.*
Persons
obstructing
execution of
Act.

Provided that, if the court is satisfied that he committed the offence with intent to prevent the discovery of some other offence under this Act, or if he has within the twelve months last preceding been convicted of an offence under this subsection, he shall be liable to a fine not exceeding twenty pounds or to imprisonment for a term not exceeding one month.

(2) If—

- (a) a sampling officer applies to purchase any food, drug or substance exposed for sale, or on sale by retail, and tenders the price for the quantity which he requires as a sample, and the person exposing the food, drug or substance for sale, or having it for sale, refuses to sell to the officer such quantity thereof as aforesaid, or
- (b) the seller or consignor of any article or substance of which an officer has power to take a sample, or a person having the charge for the time being of such an article or substance, refuses to allow the officer to take the quantity which he requires as a sample,

then, in any of the cases mentioned in the foregoing paragraphs, the person concerned shall be treated for the purposes of subsection (1) of this section as having wilfully obstructed the officer:

Provided that, where any food, drug or substance is exposed for sale in an unopened container duly labelled, no person shall be required to sell it except in the unopened container in which it is contained.

(3) A person who fails to give to any person acting in the execution of this Act, or of any regulation, byelaw, order or warrant made or issued thereunder, any assistance which that person may reasonably request him to give, or any information which that person is expressly authorised by this Act to call for or may reasonably require, or who, when required to give any such information, knowingly makes any misstatement in respect thereof, shall be liable to a fine not exceeding five pounds:

Provided that nothing in this subsection shall be construed as requiring a person to answer any question or give any information, if to do so might incriminate him.

(4) The last foregoing subsection shall be without prejudice to so much of section one hundred and twenty-three of this Act as enables regulations made under this Act, or an order made under section five thereof, to contain provisions for imposing penalties on persons offending against the regulations or order.

PART V

—*cont.*Punishment
of offences.*Legal Proceedings*

106. A person guilty of an offence under this Act shall, unless a special punishment for that offence is provided by this Act, 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.

Offences by
corporations.

107.—(1) Where an offence under this Act, or any regulations or order made under this Act, which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer, of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) In the foregoing subsection the expression “director”, in relation to any body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by the members thereof, means a member of that body corporate.

Prosecutions.

108.—(1) Subject to the provisions of this Act, all offences under this Act and regulations and byelaws made thereunder, and any offence against an order made under section five of this Act, shall be punishable on summary conviction:

Provided that, notwithstanding anything in the Magistrates' Courts Act, 1952,—

(a) where a sample has been procured under this Act, no prosecution in respect of the article or substance sampled shall be begun after the expiration of the following period, beginning with the date on which the sample was procured, that is to say—

(i) in the case of a sample of milk, twenty-eight days,

(ii) in any other case, two months, unless the justice of the peace before whom the information is laid, on being satisfied on oath that having regard to the circumstances of the particular case it was not practicable to lay the information at an earlier date, gives a certificate to that effect; and, if the prosecution is in respect of a sample of milk, it shall not in any case be begun after the expiration of forty-two days beginning with the said date;

(b) the time within which proceedings may be commenced under section one hundred and sixteen of this Act in respect of the giving of a false warranty shall, instead of being six months in accordance with section one hundred and four of the Magistrates' Courts Act, 1952, be twelve months.

PART V
—cont.

(2) Where a sample has been procured under this Act, any proceedings in respect of the article or substance sampled shall be taken before a court having jurisdiction in the place where the sample was procured:

Provided that—

- (a) where a sample procured within one area is for the purposes of this Act deemed to have been procured within another area, proceedings may, at the option of the prosecutor, be taken either before a court having jurisdiction in the area within which the sample was procured, or before a court having jurisdiction in the area within which it is deemed to have been procured; and
- (b) where the article or substance sampled was sold and actually delivered to the purchaser, proceedings may, if the prosecutor so elects, be taken before a court having jurisdiction at the place of delivery.

(3) In any proceedings under this Act in respect of an article or substance sampled, the summons shall not be made returnable less than fourteen days from the day on which it is served, and a copy of any certificate of analysis obtained on behalf of the prosecutor, and of any certificate given by a justice under paragraph (a) of the proviso to subsection (1) of this section, shall be served with the summons.

(4) In any proceedings under this Act, where a sample has been procured in such circumstances that its division into parts is required by this Act, the part of the sample retained by the person who procured it shall be produced at the hearing.

109.—(1) Without prejudice to their powers of enforcement under any provision of this Act, the authorities specified in the first column of the Eighth Schedule to this Act may, where they are of opinion that the general interests of consumers are affected, institute proceedings for any of the offences specified in relation to them respectively in the second column of the said Schedule; but except as otherwise expressly provided by this Act, proceedings shall not be instituted by any of the said authorities for an offence against any such provisions of this Act, or of any regulations made thereunder, as it is the duty of any council to execute and enforce.

Institution of
proceedings by
Government
departments
and councils.

PART V
—*cont.*

(2) Subject to the next following subsection, a county council or local authority may institute proceedings under any section of, or regulation made under, this Act, notwithstanding that they are not the authority charged with the execution and enforcement thereof:

Provided that—

- (a) a council or local authority shall not have power by virtue of this subsection to institute proceedings against any person for contravening or failing to comply with any Milk and Dairies Regulations which, by virtue of subsection (1) of section eighty-seven of this Act, are enforceable by the Minister of Agriculture, Fisheries and Food;
 - (b) no council other than a local authority for the purposes of the Weights and Measures Acts, 1878 to 1936, shall institute proceedings for an offence against regulations made by the Board of Trade under section seven of this Act.
- (3) Proceedings shall not be instituted by a council—
- (a) for an offence under section six of this Act, so far as it relates to food,
 - (b) except so far as may be otherwise provided by regulations made by the Ministers under section seven of this Act, for an offence against any provisions of those regulations,

unless they have given to the Minister of Agriculture, Fisheries and Food not less than fourteen days' notice of their intention to institute the proceedings, together with a summary of the facts upon which the charges are founded.

A certificate of the Minister of Agriculture, Fisheries and Food that the requirements of this subsection have been complied with in relation to any proceedings shall be conclusive evidence that they have been complied with in relation thereto; and any document purporting to be such a certificate as aforesaid and to be signed by or on behalf of the said Minister shall be deemed to be such a certificate, unless the contrary is shown.

**Evidence of
analysis.**

110.—(1) In any proceedings under this Act, the production by one of the parties of a document purporting to be a certificate of a public analyst in the form prescribed under subsection (5) of section ninety-two of this Act, or of a document supplied to him by the other party as being a copy of such a certificate, shall be sufficient evidence of the facts stated therein, unless, in the first-mentioned case, the other party requires that the analyst shall be called as a witness.

(2) In any such proceedings, if a sample of milk has been taken by an officer of one authority at the request of an officer of another authority, a document purporting to be a certificate signed by the officer who took the sample and stating that the provisions of this Act with respect to the manner in which samples are to be dealt with were complied with shall, if a copy thereof has been served on the defendant with the summons, be sufficient evidence of compliance with those provisions, unless the defendant requires that the officer shall be called as a witness.

(3) In any such proceedings, if a defendant intends to produce a certificate of a public analyst, or under subsection (1) of this section to require that a public analyst shall be called as a witness, or under subsection (2) of this section to require that a sampling officer shall be called as a witness, notice of his intention, together, in the first-mentioned case, with a copy of the certificate, shall be given to the other party at least three clear days before the day on which the summons is returnable, and, if this requirement is not complied with, the court may, if it thinks fit, adjourn the hearing on such terms as it thinks proper.

(4) Regulations made under section four or section seven of this Act may prescribe a method of analysis for the purpose of ascertaining the presence in, or absence from, any food of any substance specified in the regulations, or the quantity of any such substance which is present in any food; and in any proceedings under this Act—

- (a) for a contravention of any regulations made under either of the said sections, or
- (b) for an offence under section two or section six of this Act,

in respect of any food alleged to contain, or not to contain, any substance specified as aforesaid or any particular quantity of such a substance, evidence of an analysis carried out by the prescribed method shall be preferred to evidence of any other analysis or test.

111. For the purposes of this Act and of any regulations or Presumptions. byelaws made thereunder—

- (a) any article commonly used for human consumption shall, if sold or offered, exposed or kept for sale, be presumed, until the contrary is proved, to have been sold or, as the case may be, to have been or to be intended for sale, for human consumption;
- (b) any article commonly used for human consumption which is found on premises used for the preparation, storage, or sale of that article and any article commonly used in the manufacture of products for human consumption which is found on premises used for the

PART V
—*cont.*

preparation, storage or sale of those products, shall be presumed, until the contrary is proved, to be intended for sale, or for manufacturing products for sale, for human consumption ;

- (c) any substance capable of being used in the composition or preparation of any article commonly used for human consumption which is found on premises on which that article is prepared shall, until the contrary is proved, be presumed to be intended for such use.

Power of court to require analysis by Government Chemist.

112.—(1) The court before which any proceedings are taken under this Act may, if it thinks fit, and upon the request of either party shall, cause the part of any sample produced before the court under subsection (4) of section one hundred and eight of this Act to be sent to the Government Chemist, who shall make an analysis and transmit to the court a certificate of the result thereof, and the costs of the analysis shall be paid by the prosecutor or the defendant as the court may order.

(2) If, in a case where an appeal is brought, no action has been taken under the foregoing subsection, the provisions thereof shall apply also in relation to the court by which the appeal is heard.

(3) Any certificate of the results of an analysis transmitted by the Government Chemist under this section shall be signed by or on behalf of the Government Chemist, but the analysis may be made by any person acting under the direction of the person by whom the certificate is signed ; and any certificate so transmitted by the Government Chemist shall be evidence of the facts stated therein unless any party to the proceedings requires that the person by whom it is signed shall be called as a witness.

Contravention due to default of some other person.

113.—(1) A person against whom proceedings are brought under this Act shall, upon information duly laid by him and on giving to the prosecution not less than three clear days' notice of his intention, be entitled to have any person to whose act or default he alleges that the contravention of the provisions in question was due brought before the court in the proceedings ; and if, after the contravention has been proved, the original defendant proves that the contravention was due to the act or default of that other person, that other person may be convicted of the offence, and, if the original defendant further proves that he has used all due diligence to secure that the provisions in question were complied with, he shall be acquitted of the offence.

(2) Where a defendant seeks to avail himself of the provisions of the foregoing subsection—

- (a) the prosecution, as well as the person whom the defendant charges with the offence, shall have the right

to cross-examine him, if he gives evidence, and any witness called by him in support of his pleas, and to call rebutting evidence ;

PART V
—cont.

(b) the court may make such order as it thinks fit for the payment of costs by any party to the proceedings to any other party thereto.

(3) Where it appears to the authority concerned that an offence has been committed in respect of which proceedings might be taken under this Act against some person and the authority are reasonably satisfied that the offence of which complaint is made was due to an act or default of some other person and that the first-mentioned person could establish a defence under subsection (1) of this section, they may cause proceedings to be taken against that other person without first causing proceedings to be taken against the first-mentioned person.

In any such proceedings the defendant may be charged with, and, on proof that the contravention was due to his act or default, be convicted of, the offence with which the first-mentioned person might have been charged.

114.—(1) Where proceedings are brought against any person (hereafter in this section referred to as “the defendant”) in respect of a contravention of any provisions of this Act, or of regulations made thereunder, and it is proved—

Contraventions
originating
in Scotland
or Northern
Ireland.

(a) that the contravention was due to the act or default of some other person, being an act or default which took place in Scotland or Northern Ireland, and

(b) that the defendant used all due diligence to secure compliance with the said provisions,

the defendant shall, subject to the provisions of this section, be acquitted of the offence.

(2) The defendant shall not be entitled to be acquitted under this section unless within seven days from the date of the service of the summons on him he has given notice in writing to the prosecution of his intention to rely upon the provisions of this section, specifying the name and address of the person to whose act or default he alleges that the contravention was due, and has sent a like notice to that person.

(3) The person specified in a notice served under this section shall be entitled to appear at the hearing and to give evidence, and the court may, if it thinks fit, adjourn the hearing to enable him to do so.

(4) Where it is proved that the contravention of the provisions in question was due to the act or default of some person other than the defendant, being an act or default which took place in Scotland or Northern Ireland, the court shall (whether or not the defendant is acquitted) cause notice of the proceedings to be sent

PART V
—*cont.*

to the authority concerned with the purposes of this section, the said authority being—

- (a) in the case of a contravention committed in respect of a drug, the Minister of Health ;
- (b) in the case of a contravention of regulations made by the Board of Trade, that Board ; and
- (c) in any other case, the Minister of Agriculture, Fisheries and Food.

Conditions under which warranty may be pleaded as defence.

115.—(1) Subject to the provisions of this section, in any proceedings for an offence under this Act or any regulations made thereunder, being an offence consisting of selling, or offering, exposing or advertising for sale, or having in possession for the purpose of sale, any article or substance, it shall be a defence for the defendant to prove—

- (a) that he purchased it as being an article or substance which could lawfully be sold or otherwise dealt with as aforesaid, or, as the case may be, could lawfully be so sold or dealt with under the name or description or for the purpose under or for which he sold or dealt with it, and with a written warranty to that effect, and
- (b) that he had no reason to believe at the time of the commission of the alleged offence that it was otherwise, and
- (c) that it was then in the same state as when he purchased it.

(2) A warranty shall only be a defence in proceedings under this Act if—

(a) the defendant—

(i) has, not later than three clear days before the date of the hearing, sent to the prosecutor a copy of the warranty with a notice stating that he intends to rely on it and specifying the name and address of the person from whom he received it, and

(ii) has also sent a like notice of his intention to that person, and

(b) in the case of a warranty given by a person resident outside the United Kingdom, the defendant proves that he had taken reasonable steps to ascertain, and did in fact believe in, the accuracy of the statement contained therein, and

(c) in the case of a prosecution in respect of a sample of milk procured from him, the defendant either—

(i) has within sixty hours after the sample was procured served such a notice as is mentioned in paragraph 12 of the Seventh Schedule to this Act, or

(ii) not having served such a notice, proves that he had reasonable cause to believe that such a notice would have been of no effect by reason of the fact that the milk in question was a mixture of milk produced on more than one dairy farm.

PART V
—cont.

(3) Where the defendant is a servant of the person who purchased the article or substance under a warranty, he shall be entitled to rely on the provisions of this section in the same way as his employer would have been entitled to do if he had been the defendant.

(4) The person by whom the warranty is alleged to have been given shall be entitled to appear at the hearing and to give evidence, and the court may, if it thinks fit, adjourn the hearing to enable him to do so.

(5) For the purposes of this and the next following section, a name or description entered in an invoice shall be deemed to be a written warranty that the article or substance to which the entry refers can be sold or otherwise dealt with under that name or description by any person without contravening any of the provisions of this Act or of regulations made thereunder.

116.—(1) A defendant who in any proceedings under this Act wilfully applies to any article or substance a warranty or certificate of analysis given in relation to any other article or substance shall be guilty of an offence. Offences in relation to warranties and certificates of analysis.

(2) A person who, in respect of any article or substance sold by him, being an article or substance in respect of which a warranty might be pleaded under section one hundred and fifteen of this Act, gives to the purchaser a false warranty in writing, shall be guilty of an offence, unless he proves that when he gave the warranty he had reason to believe that the statements or description contained therein were accurate.

(3) Where the defendant in a prosecution under this Act relies successfully on a warranty given to him or to his employer, any proceedings under subsection (2) of this section in respect of the warranty may, at the option of the prosecutor, be taken either before a court having jurisdiction in the place where a sample of the article or substance to which the warranty relates was procured, or before a court having jurisdiction in the place where the warranty was given.

Appeals

117.—(1) Where any enactment in, or regulation made under, this Act provides for an appeal to a magistrates' court against a refusal or other decision of an authority, the procedure shall be by way of complaint for an order, and the Magistrates' Courts Act, 1952, shall apply to the proceedings. Appeals to magistrates' courts.

PART V
—cont.

(2) The time within which such an appeal may be brought shall be twenty-one days from the date on which notice of the authority's refusal or other decision was served upon the person desiring to appeal, and for the purposes of this subsection the making of the complaint shall be deemed to be the bringing of the appeal.

(3) In any case where such an appeal lies, the document notifying to the person concerned the decision of the authority in the matter shall state the right of appeal to a magistrates' court and the time within which such an appeal may be brought.

Further appeal to quarter sessions.

118. Where a person aggrieved by an order, determination or other decision of a court of summary jurisdiction under this Act, or under any regulation made thereunder, is not by any other enactment authorised to appeal to a court of quarter sessions, he may appeal to such a court.

Effect of court's decision.

119. Where on an appeal under this Act, or under any regulations made under this Act, a court varies or reverses any decision of an authority, it shall be the duty of the authority to give effect to the order of the court, and, in particular, to grant any necessary licence and to make any necessary entry in any register.

Right to carry on business pending appeal.

120.—(1) Where a decision of an authority under this Act, or under any regulations made under this Act, refusing, cancelling, suspending or revoking, registration or a licence, or a decision of a magistrates' court on appeal against such a decision, makes it unlawful for a person to carry on any business which he, or his immediate predecessor in the business, was lawfully carrying on at the date when the decision of the authority was given, or to use any premises for any purpose for which he, or his immediate predecessor in the business, was lawfully using them at the said date, he may carry on that business and use those premises for that purpose until the time for appealing has expired and, if an appeal is lodged, until the appeal is finally disposed of or abandoned or has failed for want of prosecution.

The reference in this subsection to refusing a licence includes, in the case of a licence under Part IV of this Act, a reference to refusing to grant a licence with an express authorisation under subsection (3) of section sixty-two of this Act, or refusing to renew a licence with such an authorisation as aforesaid.

(2) The foregoing provisions with respect to the right to continue to carry on a business and to use premises shall apply also where the decision of a court in proceedings in respect of an

offence under this Act, or under any such regulations as aforesaid, makes it unlawful for a person to carry on a business which he was lawfully carrying on immediately before the decision was given, or to use any premises for any purpose for which he was then lawfully using them.

PART V
—*cont.*

Compensation

121. Where by any of the provisions in Part I of this Act provision is made for the payment of compensation to any person, any dispute arising as to the fact of damage or loss, or as to the amount of compensation, shall be determined by arbitration under this Act: **Disputes as to compensation under Part I.**

Provided that, if the compensation claimed does not exceed fifty pounds, all questions as to the fact of damage or loss, liability to pay compensation and the amount of compensation may on the application of either party be determined by, and any compensation awarded may be recovered before, a magistrates' court.

PART VI

MISCELLANEOUS AND GENERAL

122.—(1) Her Majesty may by Order in Council provide for the application to the Crown of such of the provisions of this Act and of any regulations or order made thereunder as may be specified in the Order, with such exceptions, adaptations and modifications as may be so specified. **Application to Crown.**

(2) Without prejudice to the generality of the foregoing subsection, an Order under this section may make special provision for the enforcement of any provisions applied by the Order, and, where any such provision imposes a liability on a person by reason that he is the occupier or owner of premises, or the owner of a business, or the principal on whose behalf any transaction is carried out, the Order may make provision for determining, in a case where the premises are occupied or owned, or the business is owned, by the Crown, or the transaction is carried out on behalf of the Crown, the person who is to be treated as so liable.

123.—(1) Regulations made under Part I of this Act, Milk and Dairies Regulations and Milk (Special Designation) Regulations, without prejudice to the generality of the provisions under which they are made, may— **Regulations, orders, etc.**

- (a) modify for the purposes of the regulations any provisions of this Act relating to the taking, analysis and examination of samples,
- (b) apply, as respects matters to be dealt with by the regulations, any provision in any Act (including this Act) dealing with the like matters, with the necessary modifications and adaptations,

Y

PART VI
—*cont.*

- (c) (subject to the provisions of paragraph 3 of the Fourth Schedule to this Act) provide for an appeal to a magistrates' court against any refusal or other decision of an authority by whom the regulations are to be enforced and executed,
- (d) authorise the making of charges for the purposes of the regulations, or for any services performed thereunder, and provide for the recovery of charges so made,
- (e) contain provisions for imposing on persons offending against the regulations penalties not exceeding the maximum penalties specified in section one hundred and six of this Act,
- (f) make such ancillary and incidental provisions as appear to the Ministers to be necessary or desirable ;

and regulations made under Part I of this Act may, without prejudice as aforesaid, require persons carrying on any activity to which the regulations apply to keep and produce records and furnish returns.

(2) Subsection (1) of this section shall apply to an order made under section five of this Act as it applies to regulations made under Part I of this Act.

(3) The power conferred by paragraph (b) of subsection (1) of this section shall, in the case of Milk (Special Designation) Regulations, include power, in dealing with the procuring of samples for the purpose of the enforcement of conditions of licences authorising the use of a special designation, to exclude provisions of Part II of the Seventh Schedule to this Act which may appear not to be appropriate for that purpose.

(4) Regulations made under section thirteen or section twenty-one of this Act, and any order made under section seventeen of this Act, may be made so as to apply throughout England and Wales or to apply only in such area or areas as may be specified in the regulations or order.

(5) Any order made under section five or section seventeen of this Act, and any Order in Council made under section one hundred and twenty-two of this Act, may be revoked or varied by a subsequent order or Order in Council made under the appropriate section.

(6) Before making any regulations to which subsection (1) of this section applies, and before making an order under section five or section seventeen of this Act, the Ministers, or the Board of Trade in the case of regulations to be made by them, as the case may be, shall consult with such organisations as appear to them to be representative of interests substantially affected by the regulations or by the order :

Provided that this subsection shall not apply in relation to the making of regulations which reproduce, without substantive

modification, any regulations in force immediately before the commencement of the Food and Drugs Amendment Act, 1954.

PART VI
—cont.

124.—(1) Any power to make regulations or orders under this Act, and the power of the Minister of Health to make a declaration under subsection (5) of section sixteen or subsection (4) of section seventeen of this Act, shall be exercisable by statutory instrument. Statutory instruments.

(2) Any statutory instrument containing—

- (a) regulations made under Part I, or Part II, or subsection (2) of section eighty-nine, of this Act,
- (b) an order made under section five of this Act,
- (c) an order made under section forty-one of this Act ordering that subsection (1) of section thirty-seven of this Act shall cease to be in operation in any area, or
- (d) an Order in Council made under section one hundred and twenty-two of this Act,

shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) No order shall be made under section seventeen of this Act unless a draft thereof has been laid before Parliament and has been approved by resolution of each House of Parliament.

(4) A draft of any statutory instrument containing an order made under section forty-one of this Act bringing subsection (1) of section thirty-seven of this Act into operation in any area shall be laid before Parliament.

125.—(1) The confirming authority in respect of byelaws made under this Act shall be as follows, that is to say:— Byelaws.

- (a) in the case of byelaws made under section fifteen of this Act, the confirming authority shall be the Minister of Health,
- (b) in the case of byelaws made under Part III of this Act the confirming authority shall be the Minister of Housing and Local Government, and
- (c) in the case of byelaws made under Part IV of this Act, the confirming authority shall be the Minister of Agriculture, Fisheries and Food.

(2) Section two hundred and seventy-seven of the Public Health (London) Act, 1936, so far as it relates to byelaws made under that Act by the Common Council of the City of London or by the port health authority of the Port of London shall, with any necessary adaptation, apply in relation to byelaws made under this Act by the Common Council or, by virtue of an order

PART VI
—cont.

of the Minister of Health in pursuance of section eighty-eight of this Act, by the port health authority.

(3) An authority who propose to apply to the Minister of Health for confirmation of any byelaws made under section fifteen of this Act shall, in addition to complying with any other statutory requirements, publish in the London Gazette, at least one month before the application is made, notice of their intention to apply for confirmation.

(4) In so far as any byelaws made under this Act conflict with regulations made under Part I thereof, the regulations shall prevail.

Expenses.

126.—(1) Any expenses incurred by any Minister of the Crown or Government department in consequence of the provisions of this Act shall be defrayed out of moneys provided by Parliament.

(2) Any payments received by the Minister of Agriculture, Fisheries and Food for milk sold by him under section forty-two of this Act, or for treating under that section milk of others, shall be paid into the Exchequer.

(3) Expenses incurred under this Act by the London County Council shall be defrayed as expenses for general county purposes.

(4) Expenses incurred by a county council as a food and drugs authority shall, if the council are not the food and drugs authority for the whole county, be defrayed as expenses for special county purposes charged on those county districts the councils of which are not food and drugs authorities.

(5) Any expenses incurred by a county council in the enforcement and execution of—

- (a) regulations made under Part I of this Act,
- (b) Milk and Dairies Regulations, or
- (c) Milk (Special Designation) Regulations,

shall, if the Minister of Housing and Local Government by order so directs, be defrayed as expenses for special county purposes charged on such part of the county as may be provided by the order; but any such order may be revoked or varied by a subsequent order.

(6) Expenses incurred under this Act by a sampling officer in procuring samples and causing samples to be analysed shall be defrayed by the authority whose officer he is:

Provided that expenses incurred by an officer in complying with a notice given to him under subsection (2) of section ninety-four of this Act shall be borne by the authority whose officer

gave the notice, and any dispute as to the amount of any such expenses shall be referred to and determined by the Minister of Housing and Local Government.

PART VI
—cont.

(7) A county council may, as part of their expenses as a food and drugs authority, make a contribution towards any expenses incurred by the council of a county district within the county, not being a food and drugs authority, in connection with the procuring and analysis or examination of samples and the institution of proceedings under this Act.

127.—(1) If the Minister of Agriculture, Fisheries and Food, after communication with a food and drugs authority, is of opinion that the authority have failed in relation to any kind of food to execute or enforce any of the provisions of this Act which it is their duty to execute or enforce, and that their failure affects the general interests of consumers, or the general interests of agriculture in the United Kingdom, he may by order empower an officer of his department to execute and enforce, or procure the execution and enforcement of, those provisions in relation to food of that kind.

Default of food
and drugs
authority.

(2) Expenses incurred under any such order by the Minister of Agriculture, Fisheries and Food or his officer shall be paid in the first instance out of moneys provided by Parliament, but the amount of those expenses as certified by the said Minister shall, on demand, be paid to him by the food and drugs authority and shall be recoverable by him from them as a debt due to the Crown, and the authority shall have the like power of raising the money required as they have of raising money for defraying expenses incurred directly by them as a food and drugs authority.

(3) Nothing in this section affects any other power exercisable by the Minister of Agriculture, Fisheries and Food, or a county council, with respect to defaults of local authorities.

128.—(1) An officer of a council shall not be personally liable in respect of any act done by him in the execution or purported execution of this Act and within the scope of his employment, if he did that act in the honest belief that his duty under this Act required or entitled him to do it:

Protection for
local
government
officers acting
in good faith.

Provided that nothing in this subsection shall be construed as relieving a council from any liability in respect of acts of their officers.

(2) Where an action has been brought against an officer of a council in respect of an act done by him in the execution or purported execution of this Act and the circumstances are such that he is not legally entitled to require the council to indemnify him, the council may, nevertheless, indemnify

PART VI
—*cont.*

him against the whole or a part of any damages and costs which he may have been ordered to pay or may have incurred, if they are satisfied that he honestly believed that the act complained of was within the scope of his employment and that his duty under this Act required or entitled him to do it.

(3) For the purposes of this section, a public analyst appointed by a food and drugs authority shall be treated as being an officer of the authority whether or not he is employed whole-time.

**Provision for
compensation
in certain cases
to local
government
officers.**

129.—(1) If the appointment of any officer of a local authority is determined, or his emoluments are diminished, in consequence of—

- (a) a local authority ceasing, as respects the whole or any part of their area, to be a food and drugs authority, or
- (b) any such vesting of functions as is mentioned in subsection (4) of section eighty-eight of this Act, or
- (c) any transfer or relinquishment of functions under any of the provisions of the Public Health Act, 1936, which are incorporated in this Act,

the provisions of subsections (2) to (4) and (6) of section one hundred and fifty of, and the Fourth Schedule to, the Local Government Act, 1933, shall apply in relation to that officer—

- (i) as if the cesser, vesting, transfer or relinquishment had taken effect by virtue of an order made by the Minister of Housing and Local Government under Part VI of the said Act of 1933 and coming into operation upon the date on which the cesser, vesting, transfer or relinquishment took effect, and
- (ii) as if the said order provided that any officer who, by virtue or in consequence of the order, might suffer any direct pecuniary loss by reason of the determination of his appointment or the diminution of his emoluments, and for whose compensation for that loss no other provision was made by or under any enactment for the time being in force, should be entitled to receive compensation from such authority, or from such authorities and in such proportions, as the Minister of Housing and Local Government might determine.

(2) The provisions of this section shall apply in relation to a county council and the officers thereof as they apply in relation to a local authority and the officers thereof.

(3) For the purposes of this section, a public analyst shall be deemed to be an officer of the authority by whom he was appointed.

130.—(1) A local authority may be authorised by the responsible Minister to purchase land compulsorily for the purposes of this Act:

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—*cont.*

Power of compulsory purchase of land.

Provided that this subsection shall not be taken as applying to the purposes of paragraph (b) of subsection (1) of section forty-nine of this Act, or of paragraph (a) of section seventy-four thereof.

(2) In the foregoing subsection “the responsible Minister” means—

(a) in relation to the purposes of Part III of this Act, the Minister of Housing and Local Government,

(b) in relation to the purposes of Part IV of this Act, the Minister of Agriculture, Fisheries and Food, and

(c) in relation to any other purposes the Minister of Health ; and “land” has the same meaning as it has in the Public Health Act, 1936.

(3) In relation to the compulsory purchase of land under this section, the Acquisition of Land (Authorisation Procedure) Act, 1946, shall apply as if this Act had been in force immediately before the commencement of that Act.

131.—(1) The provisions of the Public Health Act, 1936, which are specified in the first column of Part I of the Ninth Schedule to this Act shall be deemed to be incorporated in this Act; and, where any of the said provisions as so incorporated contains a reference to “the Minister”, that reference shall be construed for the purposes of this Act in accordance with the entry in the second column of that Schedule against the provision which contains the reference.

Incorporation of certain provisions of Public Health Act, 1936.

(2) Part II of the Ninth Schedule to this Act shall have effect for enabling the Minister of Health by order to make alterations in local Acts consequentially on the passing of the enactments replaced by this Act.

132. Where a person who holds a licence, or is registered in respect of any premises, under this Act or any regulations made thereunder dies, the licence or registration shall, unless previously revoked or cancelled, enure for the benefit of his personal representative, or of his widow or any other member of his family, until the expiration of two months from his death, or until the expiration of such longer period as the licensing or registering authority may allow.

Temporary continuance of licence or registration on death.

PART VI
—cont.
Functions of
Board of
Trade.

133.—(1) Anything required or authorised by or under this Act to be done by, to or before the Board of Trade may be done by, to or before the President of the Board, any Minister of State with duties concerning the affairs of the Board, any Secretary, Under Secretary or Assistant Secretary of the Board, or any person authorised in that behalf by the President.

(2) In the foregoing subsection the expression “Minister of State” means such a Minister of the Crown as is referred to in section two of the Re-election of Ministers Act, 1919, as explained by the House of Commons Disqualification (Declaration of Law) Act, 1935.

Application to
Northern
Ireland.

134.—(1) The provisions of paragraphs 1 to 5 of the Tenth Schedule to this Act shall have effect for the purpose of applying to Northern Ireland certain provisions of this Act and for purposes connected therewith.

(2) Notwithstanding anything in the Government of Ireland Act, 1920, it shall be within the powers of the Parliament of Northern Ireland to enact legislation—

(a) for purposes corresponding (with the necessary modifications) with any of the purposes of the provisions of this Act which are specified in sub-paragraph (a) of paragraph 6 of the Tenth Schedule to this Act, or of those specified in sub-paragraph (b) of that paragraph as extended by this Act to Northern Ireland;

(b) for repealing so much of paragraphs 1 to 5 of the said Tenth Schedule as relates to the provisions of this Act which are specified in sub-paragraph (b) of paragraph 6 of the said Schedule;

(c) for applying to the Crown, in matters relating to functions of the Crown in respect of Irish services within the meaning of the Government of Ireland Act, 1920, or property held on behalf of the Crown for the purposes of such services, any enactments of the Parliament of Northern Ireland passed, whether before or after the passing of this Act, for purposes similar to those of this Act.

(3) For the purposes of section six of the Government of Ireland Act, 1920, the Defence (Sale of Food) Regulations, 1943, shall be deemed to be made in pursuance of an Act passed before the appointed day within the meaning of that section.

Interpretation.

135.—(1) In this Act, unless the context otherwise requires, and without prejudice to section forty-six of this Act,—

“advertisement” includes any notice, circular, label, wrapper, invoice or other document, and any public

- announcement made orally or by any means of producing or transmitting light or sound, and “advertise” shall be construed accordingly ;
- “analysis” includes micro-biological assay but no other form of biological assay, and “analyse” shall be construed accordingly ;
- “animal” does not include bird or fish ;
- “area” in relation to a county council and to officers of such a council means, as the case may require, either the county or that part of the county for which the council are the food and drugs authority and, in relation to a local authority and to officers of such an authority, means their district ;
- “article” does not include a live animal or bird ;
- “authorised market officer” has the meaning assigned to it by subsection (4) of section fifty-three of this Act ;
- “authorised officer” has the meaning assigned to it by section eighty-six of this Act ;
- “business” includes the undertaking of a canteen, club, school, hospital or institution, whether carried on for profit or not, and any undertaking or activity carried on by a public or local authority ;
- “catering premises” means premises where, in the course of a business, food is prepared and supplied for immediate consumption on the premises ;
- “cheese” means the substance usually known as cheese, containing no fat other than fat derived from milk ;
- “container” includes any basket, pail, tray, package or receptacle of any kind, whether open or closed ;
- “council” includes a port health authority ;
- “county” means an administrative county ;
- “county district” means a non-county borough, urban district or rural district ;
- “cream” means that part of milk rich in fat which has been separated by skimming or otherwise ;
- “dairy”, “dairy farm”, “dairy farmer” and “dairyman” have the meanings assigned to them by section twenty-eight of this Act ;
- “district”, in relation to the local authority of a borough, or any local authority in London, and in relation to the officers of such an authority, means the borough or other area for which the authority acts ;
- “drug” includes medicine for internal or external use ;

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—cont.

“ food ” includes drink, chewing gum and other products of a like nature and use, and articles and substances used as ingredients in the preparation of food or drink or of such products, but does not include—

(a) water, live animals or birds,

(b) fodder or feeding stuffs for animals, birds or fish, or

(c) articles or substances used only as drugs ;

“ food and drugs authority ” has the meaning assigned to it by section eighty-three of this Act ;

“ functions ” includes powers and duties ;

“ home-going ship ” means a ship plying exclusively in inland waters, or engaged exclusively in coastal excursions ; and for the purpose of this definition “ inland waters ” means any canal, river, lake, navigation or estuary, and “ coastal excursion ” means an excursion lasting not more than one day which starts and ends in Great Britain and does not involve calling at any place outside Great Britain ;

“ human consumption ” includes use in the preparation of food for human consumption ;

“ ice-cream ” includes any similar commodity ;

“ importation ” has the same meaning as it has for the purposes of the Customs and Excise Act, 1952, and “ import ” shall be construed accordingly ;

“ importer ”, in relation to an imported article, includes any person who, whether as owner, consignee, consignee, agent or broker, is in possession of the article or in any way entitled to the custody or control of it ;

“ knacker’s yard ” means any premises used in connection with the business of slaughtering, flaying or cutting up animals the flesh of which is not intended for human consumption ;

“ local authority ”, in sections forty-two and forty-three of this Act has the meaning assigned to it by those sections, and elsewhere in this Act has the meaning assigned to it by section eighty-five thereof ;

“ London ” means the administrative county of London ;

“ market authority ” has the meaning assigned to it by subsection (2) of section forty-nine of this Act ;

“ milk ” includes cream and separated milk, but does not include dried milk or condensed milk ;

“ Milk and Dairies Regulations ” has the meaning assigned to it by section twenty-nine of this Act ;

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—*cont.*

- “ Milk (Special Designation) Regulations ” has the meaning assigned to it by section thirty-five of this Act ;
- “ the Minister ”, in Parts II and IV of this Act, and in the Second and Fourth Schedules thereto, means the Minister of Agriculture, Fisheries and Food ;
- “ the Ministers ” means the Minister of Agriculture, Fisheries and Food and the Minister of Health acting jointly ;
- “ officer ” includes servant ;
- “ premises ”, except in Part IV of this Act, means a building or part of a building, and any forecourt, yard or place of storage used in connection with a building or part of a building, and includes, in relation to dairies and dairy farms, and the trade of dairyman or dairy farmer, any land other than buildings ;
- “ preparation ”, in relation to food, includes manufacture and any form of treatment, and “ preparation for sale ” includes packaging ; and “ prepare ” and “ prepare for sale ” shall be construed accordingly ;
- “ public analyst ” has the meaning assigned to it by section eighty-nine of this Act ;
- “ purveyor ”, in relation to milk, includes any person who sells milk, whether wholesale or by retail ;
- “ raw milk ” means milk which has not been treated by heat ;
- “ sampling officer ” has the meaning assigned to it by section ninety-one of this Act ;
- “ sanitary convenience ” means a closet, privy or urinal ;
- “ separated ”, in relation to milk, includes skimmed ;
- “ ship ” includes any boat or craft ;
- “ shop ” has the same meaning as in the Shops Act, 1950 ;
- “ slaughterhouse ” means a place for slaughtering animals, the flesh of which is intended for sale for human consumption, and includes any place available in connection therewith for the confinement of animals while awaiting slaughter there or for keeping, or subjecting to any treatment or process, products of the slaughtering of animals there ;
- “ slaughterhouse facilities ” has the meaning assigned to it by subsection (2) of section seventy of this Act ;
- “ slaughterhouse licence ” means a licence under Part IV of this Act authorising the occupier of any premises to keep them as a slaughterhouse ;
- “ statutory order ” means any order, byelaw or other instrument having effect by virtue of an Act of Parliament or confirmed by Parliament ;

PART. VI
—*cont.*

“substance” includes a liquid ;

“transit” includes all stages of transit from the dairy, place of manufacture or other source of origin, to the consumer ;

“vessel” includes a receptacle of any kind, whether open or closed.

(2) For the purposes of this Act (except section sixteen thereof), but without prejudice to the provisions of section forty-six thereof,—

(a) the supply of food, otherwise than by sale, at, in or from any place where food is supplied in the course of a business shall be deemed to be a sale of that food, and references to purchasing and purchasers shall be construed accordingly ; and

(b) where in connection with any business in the course of which food is supplied the place where food is served to the customer is different from the place where the food is consumed, both those places shall be deemed to be places in which food is sold.

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

**Repeals,
transitional
provisions and
savings.**

136.—(1) The enactments and orders specified in the Eleventh Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(2) The transitional provisions set out in Part I of the Twelfth Schedule to this Act shall have effect for the purposes of the transition to the provisions of this Act from the law in force before the commencement of the Food and Drugs Amendment Act, 1954.

(3) Part II of the Twelfth Schedule to this Act shall have effect for preserving the operation of—

(a) section ninety-nine of the Food and Drugs Act, 1938 (which relates to the metropolitan borough of Woolwich and its markets),

(b) certain transitory provisions contained in the Slaughterhouses Act, 1954, being provisions which were mainly, but not wholly, spent before the commencement of this Act and are not reproduced by this Act.

(4) The mention of particular matters in the Twelfth Schedule to this Act shall not be taken as affecting the general application of section thirty-eight of the Interpretation Act, 1889, with regard to the effect of repeals.

137.—(1) This Act may be cited as the Food and Drugs Act, 1955. Short title,
commence-
ment and
extent.

(2) This Act shall come into operation on the day appointed for the coming into operation of the Food and Drugs Amendment Act, 1954, immediately after that Act comes into operation.

(3) Parts III and IV of this Act shall not extend to London.

(4) This Act shall not extend to Scotland.

(5) Except as provided by section one hundred and thirty-four of this Act and the Tenth Schedule thereto, this Act shall not extend to Northern Ireland.

SCHEDULES

FIRST SCHEDULE

Section 23.

DISEASES TO WHICH S. 23 (1) APPLIES

Enteric fever (including typhoid and paratyphoid fevers).
Dysentery.
Diphtheria.
Scarlet fever.
Acute inflammation of the throat.
Gastro-enteritis.
Undulant fever.

SECOND SCHEDULE

Section 30.

REFUSAL AND CANCELLATION OF REGISTRATION OF DAIRYMEN, DAIRY FARMS AND DAIRY FARMERS

PART I

DAIRYMEN

1. If it appears to an authority by whom dairymen are registered in pursuance of Milk and Dairies Regulations, other than the Minister of Agriculture, Fisheries and Food (hereafter in this Schedule referred to as "the Minister"), that the public health is, or is likely to be, endangered by any act or default of a person who has applied to be, or, is so registered by the authority, being an act or default, committed whether within or without the district of the authority, in relation to the quality, storage or distribution of milk, they may serve on him a notice—

- (a) stating the place and time, not being less than twenty-one days after the date of the service of the notice, at which they propose to take the matter into consideration, and
- (b) informing him that he may attend before them, with any witnesses whom he desires to call, at the place and time mentioned to show cause why they should not, for reasons specified in the notice, refuse to register him or cancel his registration, as the case may be, either generally or in respect of any specified premises.

2. A person entitled under the foregoing paragraph to appear before any authority may appear in person or by counsel or a solicitor or any other representative, or may be accompanied by any person whom he may wish to assist him in the proceedings.

2ND SCH.
—cont.

3. If a person on whom a notice is served under paragraph 1 of this Schedule fails to show cause to the satisfaction of the authority, they may refuse to register him or may cancel his registration, as the case may be, and shall forthwith give notice to him of their decision in the matter, and shall, if so required by him within fourteen days from the date of their decision, give to him, not less than forty-eight hours after receiving the requirement, a statement of the grounds on which it was based.

4. A person aggrieved by the decision of an authority under this Part of this Schedule to refuse to register him, or to cancel his registration, may appeal to a magistrates' court.

5. The court before whom a person registered as a dairyman otherwise than by the Minister is convicted of an offence under any of the provisions relating to milk in this Act, or under Milk and Dairies Regulations, may, in addition to any other punishment, cancel his registration as such.

6. An authority other than the Minister may require a person who applies to them for registration as a dairyman to give to them, before his application is considered, information as to whether he is, or has been, registered as a dairyman, whether by them or the Minister or some other authority, and if an applicant who is so required gives to the authority any information which is false in any material respect, he shall be guilty of an offence.

7. Where under this Part of this Schedule a person's application for registration is refused, or his registration is cancelled, he shall not be liable for any breach of contract for the purchase of further supplies of milk from any person, if the refusal or cancellation was due to the quality of the milk supplied by that person.

PART II

DAIRY FARMS AND DAIRY FARMERS

8. Milk and Dairies Regulations shall provide—

- (a) for the refusal by the Minister of registration of a dairy farm or of a person carrying on, or proposing to carry on, the trade of a dairy farmer, if in his opinion, having regard to conditions existing at the premises to be registered, the regulations cannot be complied with and the registration should be refused, and
- (b) for the cancellation of any such registration by the Minister if in his opinion the regulations are not being complied with and the registration should be cancelled.

9. Any regulations made by virtue of the last foregoing paragraph shall—

- (a) require notice to be given to the person affected of any intention to refuse or cancel the registration, stating the grounds on which it is alleged that the regulations cannot

be or are not being complied with, as the case may be, and his rights of making objections and representations in accordance with the regulations;

- (b) enable the said person, within the time prescribed by the regulations (which shall not be less, in the case of a refusal, than twenty-eight days or, in the case of a cancellation, than twenty-one days, from the date of the service of the said notice) to object, in respect of all or any of the grounds stated in the said notice, that the regulations can be or are being complied with, as the case may be;
- (c) provide for the reference of any such objection to a tribunal constituted in accordance with the regulations;
- (d) provide for the procedure of the said tribunal, and in particular for entitling the person objecting to appear before the tribunal with any witnesses he desires to call, and to require the tribunal to inspect the premises to which the objections relate;
- (e) require the said tribunal to determine whether the objections are made out and, if not, on which of the grounds in respect of which they are made they are not made out, and provide that, in the event of a difference of opinion among the members of the tribunal, the determination of the majority of them shall be the determination of the tribunal;
- (f) require that the determinations of the tribunal shall be reported to the Minister and communicated by him to the person objecting, and provide that the determinations of the tribunal as stated in the report shall, for the purpose of the proposal to refuse or cancel registration, be conclusive evidence of the facts found thereby;
- (g) enable the said person within the time so prescribed to make representations to the Minister that the registration should not be refused or cancelled on the grounds stated in the notice mentioned in sub-paragraph (a) of this paragraph;
- (h) provide that no registration shall be cancelled—
 - (i) in any case, until the expiration of the prescribed time for making objections or representations under the regulations;
 - (ii) in a case where an objection is made within that time, until the report of the tribunal thereon has been received and considered by the Minister;
 - (iii) in a case where representations are made to the Minister within that time, until the representations have been considered by him.

10. There shall be paid out of moneys provided by Parliament to the chairman of any such tribunal as is referred to in the last foregoing paragraph such remuneration (by way of salary or fees) and such allowances as the Minister may, with the approval of the Treasury, determine.

Section 31.

THIRD SCHEDULE

DISEASES OF COWS TO WHICH S. 31 APPLIES

Acute mastitis.
 Actinomycosis of the udder.
 Suppuration of the udder.
 Any infection of the udder or teats which is likely to convey disease.
 Any comatose condition.
 Any septic condition of the uterus.
 Anthrax.
 Foot-and-mouth disease.

Sections 36, 45.

FOURTH SCHEDULE

POWERS AS TO REVOCATION OR SUSPENSION OF LICENCES TO USE SPECIAL DESIGNATIONS, AND PROCEDURE AS TO REVOCATION, SUSPENSION OR REFUSAL THEREOF

PART I

GENERAL

1. Provision shall be made by Milk (Special Designation) Regulations for enabling the licensing authority or, on an appeal made to him by virtue of the subsequent provisions of this Schedule in that behalf, the Minister of Agriculture, Fisheries and Food (hereafter in this Schedule referred to as "the Minister"), to revoke or suspend a licence authorising the use of a special designation, on the ground of any breach of condition thereof which is proved to the satisfaction of the licensing authority, or of the Minister, as the case may be:

Provided that this paragraph shall, in relation to licences for specified areas, have effect subject to the provisions of Part II of this Schedule.

2. Provision shall be made by such regulations as aforesaid as to any decision to revoke or suspend such a licence as aforesaid or to refuse a grant of such a licence—

- (a) where the licensing authority is a local authority, for conferring on the holder of the licence or the applicant, as the case may be (in this Schedule referred to as "the person affected") a right to be heard by the appropriate committee of the authority before a decision is made, and a right of appeal to the Minister against a decision adverse to the person affected;
- (b) for requiring the Minister on any such appeal to him, and when acting as licensing authority, before making his decision to afford to the person affected an opportunity of making representations;
- (c) for securing that any such hearing as aforesaid by a committee shall be in public, that the person affected shall be entitled to be heard by himself or by counsel or a solicitor or other representative as he may elect, and that he or his representative shall be entitled to call witnesses and to cross-examine witnesses called by another; and
- (d) for securing that such notice of a decision or proposed decision shall be given to the person affected as may be requisite for enabling him effectively to exercise rights conferred on him by virtue of the foregoing provisions of this paragraph.

3. Paragraph (c) of subsection (1) of section one hundred and twenty-three of this Act shall not apply to any such decision as is mentioned in the last foregoing paragraph.

4TH SCHED.
—cont.

PART II

LICENCES HELD BY RETAILERS FOR SPECIFIED AREAS

4.—(1) Any provision for the revocation of a licence authorising the use of a special designation on the ground of breach of a condition thereof made by Milk (Special Designation) Regulations shall be such as to secure that a licence held by a retailer for a specified area shall not be revoked, and a grant of a licence by way of renewal of a licence so held shall not be refused, on the ground of breach of a condition of the licence so held, unless—

- (a) the breach in question is of a condition to which section forty-three of this Act applies,
- (b) the holder of the licence has been convicted of an offence under that section by virtue of the breach in question, or has been convicted, within twelve months before the time of the breach in question or after the time of it, of an offence under section twenty-two of the Food and Drugs (Milk, Dairies and Artificial Cream) Act, 1950, or under section thirty-six, thirty-seven or thirty-eight of this Act, or of an offence under Milk and Dairies Regulations for which a penalty is thereby imposed, and
- (c) the decision of the licensing authority to revoke, or to refuse renewal, as the case may be, is made within twelve months from the date of the breach in question.

(2) Any provision for the suspension of a licence authorising the use of a special designation on the ground of breach of a condition thereof made by Milk (Special Designation) Regulations shall be such as to secure that—

- (a) a licence held by a retailer for a specified area shall not be suspended, by virtue of any one decision of the authority having power to suspend it, for a period of more than three months, but
- (b) a period of suspension of such a licence awarded by any such decision may be extended by a subsequent such decision made in accordance with the provisions of this Schedule.

(3) For the purposes of any decision for the suspension of a licence held by a retailer for a specified area, the term of that licence and of any licence granted by way of renewal thereof shall be treated as if they had been a single term, and accordingly—

- (a) a period of suspension of such a licence of three months or less may be awarded notwithstanding that that period is longer than the unexpired residue of the term of the licence; and
- (b) where such a longer period of suspension of such a licence is awarded, a licence may be granted by way of renewal thereof but that licence shall be in suspense until the expiry of that period, and such a decision for extension of that

4TH SCH.
—cont.

period as is mentioned in paragraph (b) of sub-paragraph (2) of this paragraph may be made so as to extend the suspension of that licence.

5. Paragraph 1 of this Schedule shall, in so far as it relates to proof of a breach of condition of a licence, have effect subject as follows, that is to say—

- (a) the provision to be made as therein mentioned shall extend to a breach by virtue of which the holder of the licence has been convicted of an offence under section forty-three of this Act without requiring any proof thereof other than conviction; and
- (b) in relation to a case referred to a tribunal by virtue of the subsequent provisions of this Schedule, not being a case in which the holder of the licence has been convicted as aforesaid, the said paragraph 1 shall have effect with the substitution of a reference to proof by the finding of the tribunal for the reference to proof to the satisfaction of the licensing authority or the Minister.

6.—(1) Milk (Special Designation) Regulations shall, where the issue is as to the revocation or suspension of a licence held by a retailer for a specified area, or as to the refusal to grant such a licence by way of renewal of such a licence, provide—

- (a) for requiring the Minister on such an appeal as is mentioned in sub-paragraph (a) of paragraph 2 of this Schedule, and when acting as licensing authority, to refer the matter to a tribunal constituted in accordance with the regulations if the person affected so requests;
- (b) for requiring that the duty of such a tribunal on any such reference shall be to report findings on any questions of fact appearing to them to be relevant, and in particular, where the issue is as to revocation or suspension on the ground of a breach of condition not being one by virtue of which the holder of the licence has been convicted of an offence under section forty-three of this Act, to find and report whether the breach was in fact committed (which finding shall be conclusive for the purposes of this Schedule), and for requiring the Minister to consider the report of the tribunal before making his decision;
- (c) for the procedure of such a tribunal, including provision for conferring on the person affected a right to be heard by the tribunal, and including provision for treating the finding of a majority of the members of such a tribunal as the finding of the tribunal in the event of a difference of opinion among the members;
- (d) for securing that any such hearing as aforesaid by a tribunal shall be in public, that the person affected shall be entitled to be heard by himself or by counsel or a solicitor or other representative as he may elect, and that he or his representative shall be entitled to call witnesses and to cross-examine witnesses called by another; and

(e) for securing that such notice of a decision or proposed decision shall be given to the person affected as may be requisite for enabling him effectively to exercise rights conferred on him by virtue of the foregoing provisions of this paragraph.

4TH SCH.
—cont.

(2) There shall be paid out of moneys provided by Parliament to the chairman of any such tribunal as aforesaid such remuneration (by way of salary or fees) and such allowances as the authority appointing him may, with the approval of the Treasury, determine.

FIFTH SCHEDULE

Section 43.

CONDITIONS TO WHICH S. 43 APPLIES

Conditions to which section forty-three of this Act applies are conditions relating to any of the following matters, that is to say:—

1. The examination or testing of animals, the inoculation of animals, the keeping of any animal or herd away from other animals, or other measures for detecting the existence of disease in animals or preventing the contracting or spread of it.

2. The marking, or keeping of records, of any animals, or other measures for identification thereof.

3. The subjection of milk to any process of heat-treatment, or to any cooling or other process, requirements in connection with the subjection of milk thereto or as to the temperature or other conditions under which it is to be kept thereafter, or the recording or retention of evidence of the observance of such requirements.

4. Satisfaction of a test of milk, being a test related to the subjection of milk to such a process as aforesaid or to the observance of any such requirements as aforesaid.

5. Measures for securing that milk produced, or subjected to a process, as required by any conditions is kept away from, and free from admixture with, other milk not so produced or subjected or other things, or is not subjected to some specified process.

6. The manner in which milk produced, or subjected to any process, in accordance with any conditions is to be dealt with or kept as respects the receptacles in which it is to be put or to remain, the closing or fastening of receptacles, or the marking of receptacles or of things by which they are closed or fastened.

7. The manner of describing milk produced, or subjected to any process, in accordance with any conditions.

8. The making or keeping of records of milk produced, bought, subjected to any process, or sold.

Section 87.

SIXTH SCHEDULE

PROVISIONS TO BE ENFORCED BY PARTICULAR AUTHORITIES

Authorities	Provisions to be enforced and executed
The Minister of Agriculture, Fisheries and Food	<p>(a) Any order made under section five of this Act;</p> <p>(b) Section thirty-six of this Act, so far as it applies to anything done in relation to raw milk by the producer of the milk;</p> <p>(c) Subsection (1) of section forty-three of this Act, so far as it relates to—</p> <p style="padding-left: 40px;">(i) licences authorising the use of a special designation in relation to milk by a local authority within the meaning of the said section forty-three, and</p> <p style="padding-left: 40px;">(ii) licences authorising the use of a special designation in relation to raw milk by the producer of the milk;</p> <p>(d) Milk and Dairies Regulations in respect of—</p> <p style="padding-left: 40px;">(i) dairy farms,</p> <p style="padding-left: 40px;">(ii) the registration of persons carrying on or proposing to carry on the trade of a dairy farmer, or</p> <p style="padding-left: 40px;">(iii) the registration of occupiers of premises used temporarily as dairy farms; but excluding regulations made for the purposes of paragraph (f) or paragraph (g) of subsection (1) of section twenty-nine of this Act;</p> <p>(e) Milk (Special Designation) Regulations in respect of the use of a special designation of raw milk by the producer of the milk.</p>
Food and drugs authorities	<p>(a) Sections one, two and six;</p> <p>(b) Section thirty-two;</p> <p>(c) Subsections (1) and (2) of section thirty-six (except as regards any use of a special designation in relation to raw milk, and as regards the making of any reference to raw milk by such a description as is mentioned in the said subsection (2), by the producer of the milk);</p> <p>(d) Sections thirty-seven, thirty-eight and forty-seven.</p>
County councils and county borough councils	Section thirty-one.

SEVENTH SCHEDULE

Sections 93, 94,
95, 96, 97, 115,
123.

SAMPLING

PART I

PROVISIONS AS TO MANNER IN WHICH SAMPLES TAKEN OR PURCHASED
FOR ANALYSIS ARE TO BE DEALT WITH

1. The sampling officer shall forthwith divide the sample into three parts, each part to be marked and sealed or fastened up in such manner as its nature will permit, and shall—

- (a) with respect to one part of the sample comply with paragraphs 2 to 8 of this Schedule, and
- (b) deal with the remaining parts in accordance with paragraph 9 of this Schedule.

2.—(1) If the sample was purchased by the sampling officer, he shall give the part of the sample to the vendor.

(2) In relation to a sample purchased from an automatic machine, this paragraph shall apply as if for the reference to the vendor there were substituted a reference—

- (a) if the name and address (being an address in England or Wales) of a person stated to be the proprietor of the machine appears on the machine, to that person;
- (b) in any other case, to the occupier of the premises on which the machine stands or to which it is affixed.

3. If the sample is of goods consigned from outside England and Wales and was taken by the sampling officer before delivery to the consignee, the officer shall give the part of the sample to the consignee.

4.—(1) This paragraph applies in relation to any sample of milk taken by the sampling officer, except to—

- (a) one in relation to which the last foregoing paragraph applies, or
- (b) any sample of cream.

(2) If the sample was taken from a container—

- (a) having a capacity greater than six pints, and
- (b) appearing to the officer to show the name and address (being an address in England or Wales) of any person as consignor of the milk,

the officer shall give the part of the sample to that person.

(3) If the sample was taken from a container—

- (a) having a capacity of six pints or less, and
- (b) appearing to the officer to show the name and address (being an address in England or Wales) of any person as the person who put the milk into the container,

the officer shall give the part of the sample to that person.

(4) If—

- (a) neither of the two foregoing sub-paragraphs apply, and
- (b) the sample was taken at a dairy,

the officer shall give the part of the sample to the occupier of the dairy.

7TH SCH
—cont.

(5) If none of the three foregoing sub-paragraphs apply, the officer shall give the part of the sample—

- (a) to the occupier of the dairy from which the milk was consigned, or
- (b) if the milk was consigned from more than one dairy, to the occupier of the dairy from which it was last consigned.

5. If—

- (a) none of the foregoing paragraphs of this Schedule apply, and
- (b) the sample was taken by the sampling officer at the request of a purchaser, or taken with the consent of a purchaser by retail,

the officer shall give the part of the sample to the vendor.

6. If—

- (a) none of the foregoing paragraphs of this Schedule apply, and
- (b) the sample was taken in transit,

the sampling officer shall give the part of the sample to the consignor.

7. If none of the foregoing paragraphs of this Schedule apply, the sampling officer shall give the part of the sample to the person appearing to be the owner of the food, drug or substance of which the sample was taken.

8. In every case to which paragraphs 2 to 7 of this Schedule apply the sampling officer shall inform the person to whom the part of the sample is given that the sample was purchased or taken for the purpose of analysis by a public analyst.

9. Of the remaining parts of the sample, the sampling officer shall, unless he decides not to have an analysis made, submit one for analysis in accordance with section ninety-two of this Act, and retain the other for future comparison.

10. Any part of a sample which under this Schedule is to be given to any person may be given either by delivering it to him or to his agent or by sending it to him by post in a registered packet; but where after reasonable inquiry the sampling officer is unable to ascertain the name and address of the person to whom the part of the sample is to be given, he may, in lieu of giving the part to that person, retain it.

PART II

SPECIAL PROVISIONS AS TO SAMPLING OF MILK

11. Where a sample of milk is procured from a purveyor of milk, he shall, if required to do so by the person by whom or on whose behalf the sample was procured, state the name and address of the seller or consignor from whom he received the milk.

12. Within sixty hours after the sample was procured from the purveyor, he may serve on the authority by whose officer it was procured, or, if it was not procured by an officer of any authority, on the food and drugs authority within whose area it was procured, a notice stating the name and address of the seller or consignor from whom he received the milk and the time and place of delivery to himself of milk from a corresponding milking, and requesting the authority

to take immediate steps to procure, as soon as practicable, a sample of milk from a corresponding milking in the course of transit or delivery to himself from the seller or consignor:

7TH SCH.
—cont.

Provided that—

- (a) if such a sample has been so procured since the sample in question was procured, or had been so procured within twenty-four hours prior to that sample being procured, it shall not be necessary for the authority to procure another sample in accordance with the notice; and
- (b) the purveyor shall have no right to require that such a sample shall be procured if the milk from which the sample procured from him was taken was a mixture of milk produced on more than one dairy farm.

13. If a purveyor has served on the authority such a notice as aforesaid, and the authority have, in a case not falling within the proviso to the last foregoing paragraph, omitted to procure a sample of milk from the seller or consignor in accordance with the foregoing provisions, no proceedings under this Act shall be taken against the purveyor in respect of the sample procured from him.

14. Any sample so procured in the course of transit or delivery shall be submitted for analysis to the analyst to whom the sample procured from the purveyor is or was submitted.

15. If proceedings are taken against the purveyor, a copy of the certificate of the result of the analysis of every sample so procured in the course of transit or delivery shall be furnished to him, and every such certificate and copy shall, subject to the provisions of section one hundred and ten of this Act, be admissible as evidence on any question whether the milk sold by the purveyor was sold in the same state as it was in when he purchased it.

16. The authority by whose officer, or within whose area, the first mentioned sample was procured may, instead of, or in addition to, taking proceedings against the purveyor, take proceedings against the seller or consignor.

17. If a sample of milk of cows in any dairy is procured in course of transit or delivery from that dairy, the dairyman may, within sixty hours after the sample was procured, serve on the authority by whose officer the sample was procured a notice requesting them to take immediate steps to procure as soon as practicable a sample of milk from a corresponding milking of the cows and, thereupon, paragraphs 12 to 15 of this Schedule shall, so far as applicable, apply with any necessary modifications:

Provided that the person procuring the sample shall be empowered to take any such steps at the dairy as may be necessary to satisfy him that the sample is a fair sample of the milk of the cows when properly and fully milked.

Section 109.

EIGHTH SCHEDULE

GOVERNMENT DEPARTMENTS SPECIALLY AUTHORISED TO
INSTITUTE PROCEEDINGS FOR OFFENCES

Minister or Department	Offences for which proceedings may be instituted
The Minister of Agriculture, Fisheries and Food	An offence against section one, section two or section six of this Act, other than an offence committed in respect of a drug; An offence against section eight of this Act committed in respect of milk, or in respect of meat or meat products while in a slaughterhouse or in the course of importation; An offence against section twelve of this Act;
The Minister of Health	An offence against regulations made by the Ministers under section four or section seven of this Act. An offence against section eight of this Act, other than an offence committed in respect of milk, or in respect of meat or meat products while in a slaughterhouse or in the course of importation;
The Board of Trade	An offence against section sixteen, section twenty-two or section twenty-seven of this Act. An offence against regulations made by the Board under section seven of this Act.

Section 131.

NINTH SCHEDULE

INCORPORATION OF PROVISIONS OF PUBLIC HEALTH ACT,
1936, AND POWER TO AMEND LOCAL ACTS

PART I

SECTIONS INCORPORATED

Section of Public Health Act, 1936, incorporated in this Act	Construction in section as incorporated of references to "the Minister"
Section 271 (Interpretation of "provide") Section 272 (Power of councils to combine for purposes of Act) Section 273 (Provisions as to sub-committees) Section 277 (Power of councils to require information as to ownership of premises) Section 283 (Notices to be in writing; forms of notices, etc.)	In this section "the Minister"— (a) in relation to the purposes of sections fifteen, sixteen to twenty, twenty-three, twenty-six and twenty-seven of this Act, means the Minister of Health; (b) in relation to the purposes of Part III of this Act, means the Minister of Housing and Local Government; and (c) in relation to other purposes means the Minister of Agriculture, Fisheries and Food.

Section of Public Health Act, 1936, incorporated in this Act	Construction in section as incorporated of references to " the Minister "
<p>Section 284 (Authentication of documents) Section 285 (Service of notices, etc.) Section 286 (Proof of resolutions, etc.) Section 289 (Power to require occupier to permit works to be executed by owner) Section 303 (Mode of reference to arbitration)</p>	<p>In this section " the Minister ",— (a) in relation to arbitrations under subsection (4) of section nine of this Act in respect of milk, or in respect of meat or meat products seized while in a slaughterhouse or in the course of importation, means the Minister of Agriculture, Fisheries and Food, and (b) in relation to other arbitrations, means the Minister of Health.</p>
<p>Section 304 (Judges and justices not to be disqualified by liability to rates) Section 311 (Loans by Public Works Loans Commissioners) Section 317 (Amendment of Public Health Act, 1875, s. 303) Section 318 (Local inquiries)</p>	<p>In this section " the Minister ", in relation to anything authorised to be done under this Act by any Minister or Ministers, or by the Board of Trade, means that Minister or those Ministers, or the said Board, as the case may be.</p>
<p>Section 320 (Relinquishment of functions by district councils)</p>	<p>In this section " the Minister "— (a) in relation to functions of councils of county districts under Part III of this Act, means the Minister of Housing and Local Government; (b) in relation to functions of such councils under Part IV of this Act, means the Minister of Agriculture, Fisheries and Food; (c) in relation to functions of such councils under regulations made under this Act (other than regulations made by the Board of Trade) means the Minister of Health and the Minister of Agriculture, Fisheries and Food, acting jointly; (d) in relation to functions of such councils under regulations made under this Act by the Board of Trade, means that Board; and</p>

9TH SCH.
—cont.

Section of Public Health Act, 1936, incorporated in this Act	Construction in section as incorporated of references to "the Minister"
<p>Section 320 (Relinquishment of functions by district councils)— <i>cont.</i> Sections 321 to 325 (Default powers in relation to functions of councils)</p>	<p>(e) in relation to any other functions of such councils, means the Minister of Health. In these sections "the Minister"— (a) means the Minister of Health in relation to functions of councils or joint boards under any of the following provisions of this Act, that is to say— (i) sections fifteen, sixteen to twenty, twenty-two, twenty-three, twenty-five, twenty-six and twenty-seven; (ii) section eighty-seven, so far as it relates to the enforcement and execution of sections eight and nine of this Act (except in their application to milk, or to meat or meat products while in a slaughterhouse or in the course of importation) and to the enforcement and execution of section thirty-one of this Act; (iii) any other provision of this Act, so far as it relates to drugs; (b) in relation to functions of councils or joint boards under Part III of this Act, means the Minister of Housing and Local Government; (c) in relation to functions of councils or joint boards under regulations made under this Act (other than regulations made by the Board of Trade) means the Minister of Health and the Minister of Agriculture, Fisheries and Food, acting jointly; (d) in relation to functions of councils or joint boards under regulations made under this Act by the Board of Trade, means the said Board; and (e) in relation to any other functions of councils or joint boards means the Minister of Agriculture, Fisheries and Food.</p>
<p>Section 328 (Powers of Act to be cumulative)</p>	

PART II

PROVISION CORRESPONDING TO PUBLIC HEALTH ACT,
1936, s. 3139TH SCH.
—cont.

1.—(1) Where there is in force—

- (a) in any county borough a local Act, the Bill for which was promoted by the council of the borough, or
- (b) in any county or county district a local Act, the Bill for which was promoted either by the county council or by the local authority of the district,

and the said Act contains provisions which were in force at the date of the passing of one of the repealed enactments and appear to the Minister of Health either—

- (i) to be inconsistent with the provisions of this Act which correspond to those of that repealed enactment, or
- (ii) to have become redundant in consequence of the passing of that repealed enactment,

the following provisions of this paragraph shall have effect.

(2) The Minister of Health may on the application, in the case mentioned in sub-paragraph (a) of the foregoing paragraph, of the council of the county borough and, in the case mentioned in sub-paragraph (b) of that paragraph, of the county council or the local authority, by order make such alterations in the said local Act (whether by amendment or repeal) as appear to him to be necessary for the purpose—

- (a) in the case mentioned in sub-paragraph (i) of the said paragraph, of bringing the provisions of the local Act into conformity with the provisions mentioned in that sub-paragraph, or
- (b) in the case mentioned in sub-paragraph (ii) of that paragraph, of removing the redundant provisions.

(3) In this paragraph the expression “repealed enactment” means any enactment repealed by this Act, or by the Food and Drugs (Milk, Dairies, and Artificial Cream) Act, 1950.

2. The foregoing paragraph applies in relation to a local Act the Bill for which was promoted by any authority, board, commissioners, trustees or other body whose functions under the local Act became exercisable by the council of a county or county borough, or by a local authority, as if the Bill for that Act had been promoted by the said council or authority.

3. The power to make orders under this Part of this Schedule shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

Section 134.

TENTH SCHEDULE

PROVISIONS RELATING TO NORTHERN IRELAND

1. Subject to the following provisions of this Schedule,—
- (a) sections four, five, seven and thirteen of this Act shall apply to Northern Ireland so far as they relate to importation;
- (b) the following provisions of this Act, that is to say—
 subsection (4) of section eighty-two,
 subsections (1) and (3) of section eighty-seven,
 subsections (3), (4) and (6) of section ninety-one,
 subsections (1) and (3) of section ninety-three,
 section ninety-seven,
 subsections (1) to (6) of section one hundred,
 subsections (1) and (2) of section one hundred and one,
 section one hundred and three,
 section one hundred and seven,
 subsections (1) and (3) of section one hundred and nine,
 subsection (4) of section one hundred and ten,
 section one hundred and thirteen,
 subsections (1), (2), (5) and (6) of section one hundred and twenty-three,
 subsections (1) and (2) of section one hundred and twenty-four,
 the Sixth Schedule, with respect to the enforcement and execution of an order under section five of this Act,
 Part I of the Seventh Schedule, and
 the Eighth Schedule, with respect to an offence against regulations made under section four or section seven of this Act,
 shall apply to Northern Ireland so far as they relate,—
 (i) to regulations and orders made or to be made under Part I of this Act (other than regulations made or to be made by the Board of Trade), being regulations and orders which apply to Northern Ireland, or
 (ii) to the enforcement or execution of such regulations or orders;
- (c) section one hundred and twenty-two of this Act shall apply to Northern Ireland, except so far as it relates to functions of the Crown in respect of Irish services within the meaning of the Government of Ireland Act, 1920, or to property held on behalf of the Crown for the purposes of such services, and sections one hundred and twenty-three and one hundred and twenty-four of this Act shall apply to Northern Ireland so far as they relate to an Order in Council made under the said section one hundred and twenty-two and extending to Northern Ireland;
- (d) section one hundred and thirty-six of this Act shall apply to Northern Ireland so far as it effects the repeal of subsection (2) of section one hundred and two of the Food and Drugs Act, 1938, and of the Food and Drugs Amendment Act, 1954.

2. In the application to Northern Ireland of any enactment referred to in the foregoing paragraph—

10TH SCH.
—cont.

- (a) any reference to the Ministers shall be construed as a reference to the Secretary of State, the Minister of Health and the Minister of Agriculture, Fisheries and Food, acting jointly;
- (b) references to the Board of Trade shall be omitted, and references to regulations shall be construed as excluding references to regulations made by the said Board;
- (c) any reference to a council shall be construed as, and any reference to a food and drugs authority shall be construed as including, a reference to a health authority or a port sanitary authority;
- (d) any reference to a sampling officer shall be construed as a reference to an officer authorised in that behalf by any such authority as aforesaid or by the Minister of Agriculture, Fisheries and Food;

and the provisions of this Act which are specified in the first column of the following Table shall, in their application to Northern Ireland, have effect subject to the additional modifications specified in relation thereto in the second column of that Table.

TABLE

<i>Provision of this Act applying to Northern Ireland</i>	<i>Modification</i>
<i>Section 4:</i>	
Subsection (1)...	In paragraph (c) for the reference to England and Wales there shall be substituted a reference to Northern Ireland.
Subsection (4)...	For the reference to section nine of this Act there shall be substituted a reference to any corresponding Northern Irish enactment.
<i>Section 5:</i>	
Subsection (1)...	The words "production" and "or use" shall be omitted.
Subsection (3)...	The reference to summary conviction shall be construed as a reference to conviction in accordance with the Northern Irish enactments relating to summary jurisdiction.
<i>Section 87:</i>	
Subsection (3)...	Paragraph (a) shall be modified so as to have effect as follows:—
	“(a) in the case of regulations made under Part I of this Act, health authorities, port sanitary authorities or the Commissioners of Customs and Excise”;
	The reference to any authority concerned in the administration of this Act shall be construed as a reference to any authority concerned in the administration of any corresponding Northern Irish enactment.

10TH SCH.
—cont.

*Provision of this
Act applying to
Northern Ireland*

Modification

Section 100:

Subsection (6)... The subsection shall be modified so as to have effect as follows:—

“(6) Nothing in this section shall authorise any person, except with the permission of the health authority under the Diseases of Animals Acts (Northern Ireland), 1894 to 1955, to enter any cowshed or other place in which an animal affected with any disease to which those Acts apply is kept and which is situated in a place declared under those Acts to be infected with such a disease.”

Section 101:

Subsection (1)... The reference in paragraph (b) to any home-going ship shall be omitted.

Section 103

... The section shall be modified so as to have effect as follows:—

“(1) An inspector of the Minister of Agriculture, Fisheries and Food shall, for the purpose of ascertaining whether there is or has been any contravention of the provisions of any regulations or order made under this Act and applying to Northern Ireland, have the powers of entry specified in the following subsection.

(2) The powers of entry referred to in the foregoing subsection are the like powers of entry as are exercisable under section one hundred or section one hundred and one of this Act by an authorised officer of a council; and in relation to any such inspector the reference in subsection (2) of section one hundred of this Act to the council shall be construed as a reference to the Minister of Agriculture, Fisheries and Food.”

Section 109:

Subsection (3)... Paragraph (a) shall be omitted.

Section 110:

Subsection (4)... The words “ under this Act ” and paragraph (b) shall be omitted.

Section 122:

Subsection (1)... The reference to this Act shall include a reference to any corresponding Northern Irish enactment, and the reference to regulations shall be construed accordingly.

*Provision of this
Act applying to
Northern Ireland*

Modification

10TH SCH.
—cont.

Section 123:

Subsection (1)... In paragraph (a), the reference to this Act shall include a reference to any corresponding Northern Irish enactment.

In paragraph (b) the reference to any Act shall include a reference to any Northern Irish enactment, and the reference to this Act shall include a reference to any corresponding Northern Irish enactment.

In paragraph (c), the reference to a magistrates' court shall be construed as a reference to a court of summary jurisdiction constituted in accordance with the Northern Irish enactments relating to summary jurisdiction.

In paragraph (e), for the reference to section one hundred and six of this Act there shall be substituted a reference to the corresponding Northern Irish enactment.

Section 124:

Subsection (2)... Paragraph (c) shall be omitted.

7th Schedule, Part I In paragraph 2, sub-paragraph (2) shall be omitted.

For the reference in paragraph 3 to England and Wales, and for each of the references in paragraph 4 to England or Wales, there shall be substituted a reference to Northern Ireland;

In paragraph 9, for the words "in accordance with section ninety-two of this Act" there shall be substituted the words "as if the sample had been procured under section thirteen of the Sale of Food and Drugs Act, 1875".

3. Any regulations or order made under this Act and extending to Northern Ireland shall provide for applying, in relation to offences thereunder, the provisions of section one hundred and eight of this Act or of any corresponding Northern Irish enactment, subject to such modifications or adaptations (if any) as may be specified in the regulations or order.

4. Any expenses incurred in the enforcement or execution of regulations with respect to the importation of food (including milk) in Northern Ireland—

(a) if incurred by a health authority, shall be defrayed in like manner as expenses are defrayed under subsection (1) of section twenty-five of the Public Health and Local Government (Administrative Provisions) Act (Northern Ireland), 1946, or under that section as amended or re-enacted (with or without modifications) by any Northern Irish enactment;

10TH SCH.
—*cont.*

(b) if incurred by a port sanitary authority, shall be defrayed in like manner as expenses are defrayed under subsection (4) of section nine of the Public Health (Ireland) Act, 1896, or under that section as amended or re-enacted (with or without modifications) by any Northern Irish enactment.

5. In the foregoing provisions of this Schedule “Northern Irish enactment” means any enactment for the time being in force in Northern Ireland, including any enactment of the Parliament of Northern Ireland.

6. The provisions of this Act referred to in subsection (2) of section one hundred and thirty-four of this Act are the following, that is to say:—

- (a) subsection (3) of section ninety-three and section one hundred and fourteen;
- (b) subsection (1) of section eighty-seven, subsections (3), (4) and (6) of section ninety-one, subsections (1) and (3) of section ninety-three, section ninety-seven, subsections (1) to (6) of section one hundred, subsections (1) and (2) of section one hundred and one, sections one hundred and three and one hundred and seven, subsections (1) and (3) of section one hundred and nine, subsection (4) of section one hundred and ten, section one hundred and thirteen, the Sixth Schedule, Part I of the Seventh Schedule and the Eighth Schedule.

Section 136.

ELEVENTH SCHEDULE

REPEALS

Session and Chapter, or Serial Number	Short title	Extent of Repeal
1 & 2 Geo. 6 c. 56	The Food and Drugs Act, 1938	The whole Act.
S.R. & O. 1946 No. 1757	The Transfer of Functions (Secretary of State and Minister of Health) Order, 1946	In Article 3, paragraphs (8) and (9); in the Schedule, the entry relating to section fifty-six of the Food and Drugs Act, 1938.
9 & 10 Geo. 6 c. 81	The National Health Service Act, 1946	In Part I of the Tenth Schedule, the entry relating to the Food and Drugs Act, 1938.
S.I. 1948 No. 107	The Transfer of Functions (Food and Drugs) Order, 1948	The whole Order.
S.I. 1948 No. 865	The Transfer of Functions (Secretary of State and Minister of Health) Order, 1948	In Article 2, paragraphs (a) and (b).
14 Geo. 6 c. 35	The Food and Drugs (Milk, Dairies and Artificial Cream) Act, 1950	The whole Act.

11TH SCH.
—cont.

Session and Chapter, or Serial Number	Short title	Extent of Repeal
S.I. 1951 No. 753	The Transfer of Functions (Minister of Health and Minister of Local Government and Planning) (No. 2) Order, 1951	In the Schedule, the entry relating to the Food and Drugs Act, 1938.
S.I. 1952 No. 2033	The Transfer of Functions (Slaughterhouses and Knackers' Yards) Order, 1952	In Article 2, in paragraph (1), sub-paragraphs (b) to (f); and Article 4.
S.I. 1954 No. 141	The Transfer of Functions (Markets) Order, 1954	In Article 2, in paragraph (1), sub-paragraph (a), sub-paragraph (b) so far as it relates to the confirmation of byelaws under section fifty-six of the Food and Drugs Act, 1938, and sub-paragraphs (c) and (d).
2 & 3 Eliz. 2 c. 42	The Slaughterhouses Act, 1954	Part I, except subsection (5) of section three. In section nineteen, paragraphs (a) and (c).
2 & 3 Eliz. 2 c. 59	The Slaughter of Animals (Amendment) Act, 1954	In section twenty, subsection (2). In section one, subsections (1) to (3). In subsection (2) of section nine, the words "and except so far as it amends the Food and Drugs Act, 1938". In Part I of the Second Schedule, the entry relating to the Food and Drugs Act, 1938.
2 & 3 Eliz. 2 c. 67	The Food and Drugs Amendment Act, 1954	The whole Act.
S.I. 1955 No. 959.	The Transfer of Functions (Food and Drugs) Order, 1955.	The whole Order, except so far as it relates to functions under the Welfare Foods (Great Britain) Order, 1954.

Section 136.

TWELFTH SCHEDULE

TRANSITIONAL PROVISIONS AND SAVINGS

PART I

TRANSITIONAL PROVISIONS

Regulations and Orders

1.—(1) Any regulations which, immediately before the commencement of this Act, were in force under any enactment repealed by this Act (whether made under that enactment or under an earlier enactment replaced thereby) shall continue in force, and shall have effect, as regulations made under the corresponding provision of this Act; and references in this Act to regulations made thereunder shall be construed accordingly.

(2) Any regulations made under Part I or Part III of the Food and Drugs Act, 1938, and continued in force by the foregoing sub-paragraph shall have effect (subject to any variation thereof by regulations under this Act) as if they contained a provision making any contravention thereof, or failure to comply therewith, an offence under this Act.

(3) Any order having effect under the Public Health (Shellfish) Regulations, 1934 (being certain Regulations made under enactments repealed by the Food and Drugs Act, 1938, and continued in force by that Act), being an order which was in force immediately before the commencement of this Act—

- (a) shall continue in force under the said Regulations of 1934, and
- (b) may be further continued by regulations made under section thirteen of this Act, as if it had been made under such regulations.

2.—(1) Any order made under Regulation 2 of the Defence (Sale of Food) Regulations, 1943 (being Regulations revoked by the Food and Drugs Amendment Act, 1954, with a saving for orders made thereunder), being an order which was in force immediately before the commencement of this Act shall—

- (a) in the case of an order made by the Minister of Food, or by the Minister of Agriculture, Fisheries and Food, for the purposes of sub-paragraph (a) of paragraph (1) of the said Regulation 2, continue in force and have effect as if contained in regulations made by the Ministers under section seven of this Act.
- (b) in the case of an order made by the Board of Trade for the purposes of the said sub-paragraph (a), continue in force and have effect as if contained in regulations made by the Board under the said section seven, and
- (c) in the case of an order made by the Minister of Food, or by the Minister of Agriculture, Fisheries and Food, for the purposes of sub-paragraph (b) of paragraph (1) of the said Regulation 2, continue in force and have effect as if contained in regulations made by the Ministers under section four of this Act;

and references in this Act to regulations made thereunder shall be construed accordingly.

(2) Any order to which the foregoing sub-paragraph applies may be varied or revoked accordingly by regulations made under section four or section seven of this Act, as the case may be.

12TH SCH.
— cont.

(3) Any order to which sub-paragraph (1) of this paragraph applies shall have effect (subject to any variation thereof by regulations under this Act) as if it contained a provision making any contravention thereof or failure to comply therewith, an offence under this Act; and any such order shall also have effect as if it specified, as the authority to enforce and execute within their area the provisions of the order,—

- (a) in the case of an order made by the Minister of Food, or by the Minister of Agriculture, Fisheries and Food, food and drugs authorities,
- (b) in the case of an order made by the Board of Trade, local authorities for the purposes of the Weights and Measures Acts, 1878 to 1936.

General

3. Any order, byelaw, notice, registration, licence, application, declaration, resolution, direction, requirement, consent, approval, certificate, decision, determination, agreement, apportionment, instrument or other thing whatsoever which was made, effected, granted, renewed, passed, issued, given, or done under any enactment repealed by this Act shall, if in force immediately before the commencement of this Act, continue in force and have effect as if made, effected, granted, renewed, passed, issued, given or done under the corresponding enactment in this Act.

4. Without prejudice to the generality of the foregoing provisions of this Schedule and without prejudice to any provision of this Act which refers to things done, made, or given or having effect as if given, under any enactment repealed by this Act,—

- (a) anything begun under or for the purposes of any enactment repealed by this Act may be continued, as if begun under, or for the purposes of, the corresponding provision of this Act, subject in all respects to the like provisions;
- (b) where any provision of this Act refers expressly or by implication to things done or made, or falling to be done or made, or to things suffered (including convictions), or to events which have occurred, at any time in the past, under or for the purposes of, or by reference to, this Act or under, or for the purposes of, or by reference to, a particular provision or particular provisions of this Act, then so far as may be necessary for securing the continuity of the law contained in the enactments repealed by this Act that reference shall be construed as, or as including, a reference to things done or made, or falling to be done or made, or to things suffered, (including convictions), or to events which have occurred, under, or for the purposes of, or by reference to, the enactments repealed by this Act or the corresponding provision or provisions thereof:

Provided that—

- (i) subsection (3) of section seventy-seven of this Act shall apply only to resolutions passed after the twenty-fourth day of November, nineteen hundred and fifty-four; and

12TH SCH.
—cont.

(ii) sections one hundred and six and one hundred and seven of this Act shall not be taken as applying in relation to offences committed before the commencement of this Act.

5. So much of any enactment or document, including enactments and documents passed or made after the passing of this Act, as refers expressly or by implication to any Act repealed by this Act, or to any enactment contained in such an Act, shall, if and so far as the nature of the subject-matter of the enactment or document permits, be construed as referring to this Act, or to the corresponding provision therein, as the case may be.

PART II SAVINGS

6. No repeal effected by the Food and Drugs Act, 1938, shall be taken as having affected any rights, duties or privileges vested in, or imposed on, the council of the metropolitan borough of Woolwich in relation to their markets.

7.—(1) The repeal by this Act of section five of the Slaughterhouses Act, 1954, and of section twenty-eight of the Food and Drugs Amendment Act, 1954, shall not affect—

- (a) any liability of a local authority to pay compensation under subsection (2) or subsection (4) of section five of the Slaughterhouses Act, 1954, being a liability which has not been discharged before the commencement of this Act,
- (b) the continued operation of subsection (3) of section twenty-eight of the Food and Drugs Amendment Act, 1954, in relation to compensation payable by virtue of either of the said subsections (2) and (4), or
- (c) the power of the Minister to make to a local authority, in respect of any such liability incurred by them as is mentioned in paragraph (a) of this subsection, such a grant as is specified in subsection (8) of section five of the Slaughterhouses Act, 1954;

but any claim to such compensation as aforesaid may be proceeded with and determined, and the Minister may make such a grant as aforesaid, in the same manner and subject in all respects to the same provisions as if this Act had not been passed.

(2) Notwithstanding anything in this Act, the First Schedule to the Slaughterhouses Act, 1954 (by which temporary provision was made for the grant of licences as of right in the case of certain slaughterhouses, subject to the premises in question being, or being rendered, suitable), shall continue after the commencement of this Act to have the same operation in relation to slaughterhouse licences within the meaning of this Act, and to their grant, renewal or cancellation, as it would, if this Act had not been passed, have had in relation to slaughterhouse licences within the meaning of the said Act of 1954, and to their grant, renewal or cancellation, and—

- (a) any reference in the First Schedule to the Slaughterhouses Act, 1954, to a particular provision or particular provisions of that Act or of the Food and Drugs Act, 1938, shall be construed as, or as including, a reference to the corresponding provision or provisions of this Act;

(b) subsection (2) of section sixty-five of this Act shall have effect subject to the same limitation as that to which the corresponding enactment in subsection (3) of section one of the Slaughter of Animals (Amendment) Act, 1954, was made subject by virtue of paragraph (b) of the last-mentioned subsection.

12TH SCH.
—cont.

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Table of Statutes referred to in this Act

Short Title	Session and Chapter
Public Health Act, 1875	38 & 39 Vict. c. 55.
Sale of Food and Drugs Act, 1875	38 & 39 Vict. c. 63.
Municipal Corporations Act, 1882	45 & 46 Vict. c. 50.
Board of Agriculture Act, 1889	52 & 53 Vict. c. 30.
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Public Health (Ireland) Act, 1896	59 & 60 Vict. c. 54.
Re-election of Ministers Act, 1919	9 & 10 Geo. 5. c. 2.
Census Act, 1920	10 & 11 Geo. 5. c. 41.
Government of Ireland Act, 1920	10 & 11 Geo. 5. c. 67.
Markets and Fairs (Weighing of Cattle) Act, 1926	16 & 17 Geo. 5. c. 21.
Sale of Food (Weights and Measures) Act, 1926	16 & 17 Geo. 5. c. 63.
Local Government Act, 1933	23 & 24 Geo. 5. c. 51.
Road and Rail Traffic Act, 1933	23 & 24 Geo. 5. c. 53.
House of Commons Disqualification (Declaration of Law) Act, 1935	25 & 26 Geo. 5. c. 38.
Public Health Act, 1936	26 Geo. 5. & 1 Edw. 8. c. 49.
Public Health (London) Act, 1936	26 Geo. 5. & 1 Edw. 8. c. 50.
Food and Drugs Act, 1938	1 & 2 Geo. 6. c. 56.
London Government Act, 1939	2 & 3 Geo. 6. c. 40.
Education Act, 1944	7 & 8 Geo. 6. c. 31.
Acquisition of Land (Authorisation Procedure) Act, 1946	9 & 10 Geo. 6. c. 49.
Companies Act, 1948	11 & 12 Geo. 6. c. 38.
Patents Act, 1949	12, 13 & 14 Geo. 6. c. 87.
Shops Act, 1950	14 Geo. 6. c. 28.
Food and Drugs (Milk, Dairies and Artificial Cream) Act, 1950	14 Geo. 6. c. 35.
Diseases of Animals Act, 1950	14 Geo. 6. c. 36.
Dangerous Drugs Act, 1951	14 & 15 Geo. 6. c. 48.
Customs and Excise Act, 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 44.
Magistrates' Courts Act, 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 55.
Slaughterhouses Act, 1954	2 & 3 Eliz. 2. c. 42.
Slaughter of Animals (Amendment) Act, 1954	2 & 3 Eliz. 2. c. 59.
Food and Drugs Amendment Act, 1954... ..	2 & 3 Eliz. 2. c. 67.

CHAPTER 17

Finance (No. 2) Act, 1955

ARRANGEMENT OF SECTIONS

PART I

PURCHASE TAX

Section

1. Purchase tax.

PART II

THE PROFITS TAX AND INCOME TAX

Amendments of profits tax

2. Rates of profits tax, etc.

Amendments of Income Tax Acts

3. Lloyd's and other underwriters.
4. Purchases of shares by financial concerns and persons exempted from tax.

PART III

GENERAL

5. Short title, etc.

SCHEDULES:

First Schedule—Amendments of purchase tax rates.

Second Schedule—Profits tax: consequential and transitional provisions.

Third Schedule—Purchases of shares by financial concerns and persons exempted from tax.

Fourth Schedule—Enactments repealed.

An Act to increase certain taxes and otherwise to amend the law relating to the Public Revenue.

[21st December, 1955]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom in Parliament assembled, towards raising the necessary supplies to defray Your Majesty's public expenses, and making an addition to the public revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several duties hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

PURCHASE TAX

Purchase tax.

1.—(1) Section nine of the Finance Act, 1952 (which provides for reducing or discharging purchase tax on certain wearing apparel, textiles and domestic furniture by making a deduction from wholesale value), shall cease to have effect.

(2) Part I of the Eighth Schedule to the Finance Act, 1948, shall have effect subject to the amendments in the First Schedule to this Act (of which those set out in Part I of that Schedule comprise amendments reducing the rate of tax chargeable on wearing apparel, textiles and domestic furniture).

PART I
—cont.

(3) In Part I of the said Eighth Schedule as amended by the First Schedule to this Act—

- (a) each rate of 25 per cent. in any Group shall be increased to 30 per cent. ;
- (b) each rate of 50 per cent. in Group 11 or any following Group shall be increased to 60 per cent., and
- (c) each rate of 75 per cent. in any Group shall be increased to 90 per cent.

(4) This section shall have effect subject to any order made by the Treasury under section twenty-one of the Finance Act, 1948, after the passing of this Act.

(5) This section shall have effect as from the twenty-seventh day of October, nineteen hundred and fifty-five.

PART II

THE PROFITS TAX AND INCOME TAX

Amendments of profits tax

2.—(1) The enactments relating to the profits tax shall be amended as respects any chargeable accounting period ending after the end of October, nineteen hundred and fifty-five, by substituting—

- (a) twenty-seven and a half per cent. for twenty-two and a half per cent. as the rate of any tax not being a distribution charge ; and
- (b) twenty-five per cent. for twenty per cent. as the rate of any relief for non-distribution.

(2) Where a period which, apart from this section, would be a chargeable accounting period of a trade or business falls partly before and partly after the end of October, nineteen hundred and fifty-five, the parts thereof falling before and after the end of that month shall be separate chargeable accounting periods.

(3) The consequential and transitional provisions contained in the Second Schedule to this Act shall have effect in relation to the preceding provisions of this section.

Amendments of Income Tax Acts

3.—(1) The Twenty-first Schedule to the Income Tax Act, 1952 (which contains provisions as to arrangements for special reserve funds in relation to Lloyd's and other underwriters),

PART II
—*cont.*

shall have effect as if in sub-paragraph (1) of paragraph 6 thereof (which specifies the maximum gross amount which the underwriter may pay into his special reserve fund or funds), for the words—

“ five thousand pounds or thirty-five per cent. of that profit, whichever is the less ”

there were substituted the words—

“ seven thousand pounds or fifty per cent. of that profit, whichever is the less ”:

Provided that the amendment effected by the foregoing provisions of this subsection shall not apply to any arrangements which permit an underwriter, by reason of the making of a profit for an underwriting year corresponding to a year of assessment earlier than the year 1955-56, to pay into his special reserve fund or funds more than is provided for by the said sub-paragraph (1) as in force apart from this subsection.

(2) Where an underwriter dies while carrying on his business and, after giving effect to the requirements of paragraph 7 of the said Schedule (under which withdrawals are to be made to meet losses), his special reserve fund or funds include an amount which represents an excess in the payments made into the fund or funds for any underwriting year over the limit permitted by sub-paragraph (1) of the said paragraph 6, as in force apart from subsection (1) of this section,—

(a) he shall be deemed for all income tax purposes to have received in the year of assessment corresponding to the said underwriting year a payment of the said amount—

(i) which was an annual payment chargeable to income tax by way of deduction and paid out of profits or gains brought into charge to tax, and

(ii) which was payable in the year of assessment in which it is deemed to have been paid, and

(b) the payment (to the said actual amount) shall be deemed for the purposes of the said Schedule and for all income tax purposes to be a net amount corresponding to a gross amount from which income tax has been duly deducted at the standard rate for the year of assessment in which the amount is deemed as aforesaid to have been payable and paid.

(3) Where, to give effect to the requirements of the said paragraph 7 as to the meeting of a loss, any withdrawal was made at any time from the capital of the underwriter's special reserve fund or funds, the amount withdrawn shall be regarded for the purposes of subsection (2) of this section—

(a) as having been met out of payments into the fund or funds made for underwriting years before that in which

the loss was incurred, and as having been met before any withdrawal to meet a loss for a later underwriting year, and

- (b) as having been met out of so much of the payments made for any underwriting year (including a year corresponding to a year of assessment earlier than 1955-56) as was not in excess of the limit permitted by subparagraph (1) of paragraph 6 of the said Schedule, as in force apart from subsection (1) of this section, rather than out of such part of the payments made for any underwriting year corresponding to a year of assessment after 1954-55 as was in excess of the said limit, and
- (c) subject to that, as having been met out of payments in excess of the said limit for a later year, rather than out of payments in excess of the said limit for an earlier year,

and where payments have been made into the underwriter's special reserve fund or funds for any underwriting year in excess of the said limit, his fund or funds shall be deemed at all subsequent times to include an amount representing that excess except to the extent that any withdrawal is, under the provisions of this subsection, to be regarded as having been met out of that amount.

(4) Any tax chargeable by virtue of this section shall be assessed and charged upon the underwriter's personal representatives, and assessments may be made in respect of tax so chargeable at any time within the period permitted by subsection (2) of section forty-seven of the Income Tax Act, 1952 (which, as extended by subsection (3) of section two hundred and twenty-nine of that Act provides that surtax and other assessments on the personal representatives of a deceased person in respect of income arising before the death must be made within three years from the year in which the death occurred), notwithstanding the time limit in subsection (1) of that section (which provides that assessments shall be made within six years from the year to which the assessments relate); and the tax so charged shall be a debt due from and payable out of the underwriter's estate.

(5) Expressions occurring in the foregoing provisions of this section to which a meaning is assigned by the said Twenty-first Schedule shall be construed as if they occurred in that Schedule and references in this section to payments made into a special reserve fund or funds for a particular underwriting year are references to payments made, as described in subparagraph (1) of paragraph 6 of the said Schedule, by reference to the profits made for that underwriting year.

PART II
—*cont.*

Purchases of shares by financial concerns and persons exempted from tax.

4.—(1) Where a person engaged in carrying on a trade which consists of or comprises dealings in shares or other investments becomes entitled to receive a dividend on a holding of shares of any class to which this section applies, being shares sold or issued to him or otherwise acquired by him after the twenty-sixth day of October, nineteen hundred and fifty-five, and not more than six years before the date on which the dividend becomes payable, and the dividend is to any extent paid out of profits accumulated before the date on which the shares were so acquired, then, if those shares, or those shares together with—

- (a) any other shares the dividend on which is payable to that person and which were sold or issued to him or otherwise acquired by him after the said twenty-sixth day of October and not more than six years before the date on which the dividend becomes payable, and
- (b) in a case where the trade is under the same control as another trade which consists of or comprises dealings in shares or other investments, any shares the dividend on which is payable to the person engaged in carrying on that other trade and which were sold or issued to him or otherwise acquired by him after the said twenty-sixth day of October and not more than six years before the date on which the dividend becomes payable, and
- (c) any such shares as are to be brought into account under subsection (3) of this section,

amount to ten per cent. or more of the issued shares of that class, the net amount of the dividend received on the shares in the holding shall, to the said extent to which it was paid out of profits accumulated before the shares were acquired, be brought into account in computing the profits or gains or losses of the trade as if it were a trading receipt which had not borne tax.

(2) Where a person entitled under any enactment to an exemption from income tax which extends to dividends on shares becomes entitled to receive a dividend on a holding of shares of any class to which this section applies, being shares sold or issued to him or otherwise acquired by him after the said twenty-sixth day of October and not more than six years before the date on which the dividend becomes payable, and the dividend is to any extent paid out of profits accumulated before the date on which the shares were so acquired, then, if those shares, or those shares together with—

- (a) any other shares the dividend on which is payable to that person and which were sold or issued to him or otherwise acquired by him after the said twenty-sixth

day of October and not more than six years before the date on which the dividend becomes payable, and

PART II
—cont.

(b) any such shares as are to be brought into account under subsection (3) of this section,

amount to ten per cent. or more of the issued shares of that class, the exemption shall, to an extent proportionate to the said extent to which the dividend is paid out of profits accumulated before the date on which the shares were acquired, not apply to the dividend :

Provided that if any annual payment is payable by that person out of the dividend, that annual payment shall be deemed as to the whole thereof to be paid out of profits or gains not brought into charge to tax and section one hundred and seventy of the Income Tax Act, 1952, shall apply accordingly.

(3) If two or more persons, being persons engaged in carrying on trades of the kind mentioned in subsection (1) of this section or entitled to an exemption of the kind mentioned in subsection (2) of this section, have each acquired shares in a company and in doing so were acting in concert, then in the application of either of those subsections in relation to a dividend payable to one of those persons on shares which include shares so acquired (or shares acquired in right of those shares) there shall be taken into account under paragraph (c) of subsection (1), or, as the case may be, paragraph (b) of subsection (2), any shares the dividend on which is payable to any other of those persons, being shares so acquired by that other person (or shares acquired in right of those shares).

(4) A dividend shall not be brought into account in accordance with subsection (1) of this section as a trading receipt if in accordance with subsection (3) of section two hundred and three of the Income Tax Act, 1952 (which relates to the sale and repurchase of securities), the acquisition of the shares on which the dividend is paid is to be disregarded in computing for the purposes specified therein the profits arising from, or loss sustained in, the trade.

(5) Where any shares have been sold or otherwise disposed of by a person who held shares of that kind acquired at different times (whether or not including a time before the said twenty-sixth day of October, nineteen hundred and fifty-five) it shall be assumed for the purposes of this section that shares which have been held for a longer time have been disposed of before shares which have been held for a shorter time.

(6) Where at the time when a trade is, or is deemed to be, set up and commenced or at the time of any relevant change within the meaning of the Third Schedule to the Finance Act, 1954 (which relates to company reconstructions), any shares form

PART II
—*cont.*

part of the trading stock belonging to the trade those shares shall be regarded for the purposes of this section as having been acquired at that time by the person then engaged in carrying on the trade; and, subject to the foregoing provisions of this subsection, where there is a change in the persons engaged in carrying on a trade which is not a change on which the trade is deemed to be discontinued and which is not such a relevant change as aforesaid, the provisions of this section shall apply in relation to the person so engaged after the change as if anything done to or by his predecessor had been done to or by him.

(7) The provisions of the Third Schedule to this Act shall have effect for the purpose of ascertaining whether a dividend is to be regarded as paid to any extent out of profits accumulated before a given date.

(8) For the purposes of this section and the said Schedule to this Act—

- (a) “company” includes any body corporate, but does not extend to a company not resident in the United Kingdom;
- (b) “person” includes any body of persons, and references to a person entitled to any exemption from income tax include, in a case of an exemption expressed to apply to income of a trust or fund, references to the persons entitled to make claims for the granting of that exemption;
- (c) “shares of a class to which this section applies” means shares of any class forming part of a company’s share capital other than a class of fully-paid preference shares carrying only a right to dividends at a rate per cent. of the nominal value of the shares which is fixed or fluctuates only in accordance with the standard rate of income tax and which in the opinion of the Commissioners having jurisdiction in the matter does not substantially exceed the yield generally obtainable on preference shares the prices of which are quoted on stock exchanges in the United Kingdom;
- (d) “share” includes stock other than debenture or loan stock;
- (e) shares shall be regarded as of different classes if the rights and obligations respectively attached to them are as regards the payment of dividends or the amount paid up or in any other respect distinguishable;
- (f) any reference to shares acquired in right of other shares includes a reference to shares acquired in pursuance of an offer or invitation which was restricted to holders of those other shares;

(g) two trades shall be regarded as under the same control if they are carried on by persons one of whom is a body of persons over whom the other has control (within the meaning assigned to that expression by section three hundred and thirty-three of the Income Tax Act, 1952), or both of whom are bodies of persons under the control (as so defined) of a third person, and several trades shall be regarded as under the same control if each is under the same control as all of the others,

PART II
—cont.

and in the last foregoing paragraph “ body of persons ” includes a partnership.

PART III

GENERAL

5.—(1) This Act may be cited as the Finance (No. 2) Act, 1955. Short title,
etc.

(2) Part I of this Act shall be construed as one with Part V of the Finance (No. 2) Act, 1940.

(3) Part II of this Act—

(a) so far as it relates to the profits tax shall be construed as one with Part III of the Finance Act, 1937, and the other enactments relating to the profits tax ; and

(b) so far as it relates to income tax, shall be construed as one with the Income Tax Acts.

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

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

SCHEDULES

FIRST SCHEDULE

AMENDMENTS OF PURCHASE TAX RATES

PART I

WEARING APPAREL, TEXTILES AND DOMESTIC FURNITURE

1. In Group 1 (which comprises garments and footwear) each rate of 25 per cent. shall be reduced to 5 per cent.

2.—(1) In Group 2 (which comprises headgear) each rate of 25 per cent. shall be reduced to 10 per cent.

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

“ (i) Articles of headgear suitable only for babies’ wear Exempt ”

3.—(1) In Group 3 (which comprises gloves) the rate of 25 per cent. shall be reduced to 5 per cent.

(2) The following paragraph shall be added after paragraph (a) of Group 3—

“ (b) Gloves suitable only for babies’ wear Exempt ”

4.—(1) In Group 4 (paragraph (a) of which charges haberdashery not comprised in any of the following paragraphs at 25 per cent.) the following paragraph shall be added after paragraph (b)—

“ (c) Handkerchiefs, scarves, shawls and braces ... 5 per cent.”

(2) At the end of Group 4 there shall be added the following paragraph—

“ (j) Tissues and fabrics, whether in the piece, shaped or partly made up Not chargeable under this Group.”

5. For Group 5 (which charges textile articles containing wool at 50 per cent. and cushions, pillows and mattresses at 25 per cent.) there shall be substituted the following:—

“ Group 5

(a) Cushions, cushion pads, pillows, bolsters, overlay mattresses and mattress shapes, being articles of a kind used for domestic purposes and not comprised in the following paragraph of this Group 5 per cent.

(b) Air pillows, air cushions, water beds, water pillows and water cushions, being articles of a kind used for domestic purposes ... Exempt ”

6.—(1) All goods comprised in paragraph (a) of Group 6 (which relates to tissues and fabrics) shall be chargeable at 10 per cent. and the goods so comprised shall include tissues and fabrics of whatever material not exceeding twelve inches in width and not comprised in any of the following paragraphs of that Group.

1st SCH
—cont.

(2) The material exceeding twelve inches in width and chargeable under the said paragraph (a) shall be known as Class A material instead of woollen material.

(3) Accordingly, for sub-paragraphs (i) and (ii) of the said paragraph (a) there shall be substituted the following sub-paragraphs—

“(i) Not exceeding 12 inches in width ... 10 per cent.

(ii) Class A material (as defined at the end of this Group) exceeding 12 inches in width 10 per cent.”

and at the end of Group 6 there shall be added the words—

“In this Group ‘Class A material’ means textile material containing more than 15 per cent. by weight of fibre (whether or not subjected to any process of manufacture or recovery) from the coat or fleece of alpaca, camel, goat, hare, lamb, llama, rabbit, sheep, vicuna or yak, or of horsehair.”

7. Sub-paragraph (iii) of paragraph (b) of Group 9 (which charges rugs other than fur rugs and floor rugs) shall be omitted.

8.—(1) In Group 11 (paragraph (a) of which charges furniture not comprised in any other paragraph of the Group at 25 per cent.) the following paragraph shall be added after paragraph (a)—

“(b) Furniture of a kind used for domestic purposes, and comprised in the following list ... 5 per cent.

The list above mentioned

Wardrobes, cupboards, tallboys, cabinets other than refrigerator cabinets, chests, chests of drawers, dressing chests, sideboards, bureaux, bookcases, bookcase units, sets of shelves (but not including any of the above-mentioned articles which are made of metal).

Tables, including writing tables and dressing tables, and trolleys.

Chairs, settees, stools, pouffes and other seats.

Divans, bunks, ottomans, spring-bases, box-spring mattresses and other mattresses, not being overlay mattresses.

Headboards and bedstead ends.

Fireside curbs.”

(2) Before paragraph (f) of Group 11 there shall be added the following paragraph—

“(e) Babies’ high chairs, babies’ cradles and stands therefor, cots and play pens Exempt”

1st Sch.
—cont.

PART II

OTHER AMENDMENTS

9. In Group 11 the following provisions shall be omitted:—

- (a) paragraph (d) (under which glassware of cut glass is charged at a higher rate than other articles comprised in Group 11),
- (b) paragraph (i) (which provides that certain table-ware, kitchen-ware and similar articles shall not be chargeable under that Group),
- (c) paragraphs (j), (r), (t), (u) and (v) (which exempt brushes, laundering appliances, pot scourers, pastry boards, rolling pins and coal or cinder sieves and sifters),
- (d) the words “dustbins, buckets, pails” and the words “pedal-operated sanitary bins, coal hods and coal scuttles” in paragraph (k) (which exempts those goods):

Provided that the omission of the said paragraph (j) exempting household brushes, brooms and mops shall have effect only as respects the period ending with the first day of December, nineteen hundred and fifty-five.

10.—(1) Group 12 shall be amended as follows.

(2) At the end of paragraph (b) (which charges space heating and water heating appliances suitable for operation from electric or gas mains) for the words “suitable for operation from electric or gas mains” there shall be substituted the words “designed for operation by electricity or gas”.

(3) For paragraph (e) (which exempts certain space heating appliances incorporating electric fans or pumps) there shall be substituted the following paragraph:—

“(e) Appliances of the following descriptions incorporating electric fans or electric pumps or both such fans and such pumps:—

- (i) solid fuel burning or oil burning space or water heaters and oil burners of a kind used for space or water heaters Exempt
- (ii) radiators and convectors for connection to hot water or steam central heating systems Exempt”

(4) Paragraphs (g), (h), (i) and (j) (which exempt or exclude cooking utensils incorporating heating elements, irons, interval timers, kitchen scales and weighing machines, wringers and mangles) shall be omitted but sub-paragraph (i) of paragraph (a) (which charges articles designed for operation by electricity or gas at a higher rate) shall not apply to goods comprised in those paragraphs and, accordingly, for the words in the first column of the said sub-paragraph (i) there shall be substituted the following:—

“(i) articles designed for operation by electricity or gas but not including those in the following list of exceptions.

The list of exceptions above referred to:

Washing machines which are designed for heating water by electricity or gas but which are not otherwise designed for operation by electricity or gas.

Clocks and clock movements.

- Sewing machines and motors therefor.
- Hair drying machines.
- Lighting appliances.
- Electric blankets, electric warming pads and electric bed warmers.
- Gas stoves.
- Electric kettles and other cooking utensils incorporating heating elements.
- Smoothing irons and pressing irons."

1st Sch.
—cont.

11. As respects the period ending with the twenty-eighth day of November, nineteen hundred and fifty-five, in paragraph (e) of Group 23 (which exempts shopping baskets and bags) for the word "Exempt" there shall be substituted the words "30 per cent."

12.—(1) In Group 25 (which charges vases of a kind produced in quantity for general sale and similar articles) the word "vases" where it first occurs shall be omitted and in paragraph (i) (which excludes from that Group articles comprised in other Groups) the words "(other than vases)" shall be omitted.

(2) After the words "for general sale" in Group 25 there shall be added the words "and frames for pictures, frames and stands for photographs, and similar frames and stands" and at the end of that Group there shall be added the following paragraphs:—

- "(j) Frames for pictures, frames and stands for photographs and similar frames and stands 30 per cent.
- (k) Picture frames of wood, plain, gilt or coloured, with or without ornamental composition, which are made from moulding of a width not less at any point than three inches Exempt"

(3) In Group 11 paragraph (g) (which is replaced by the paragraph (k) to be added to Group 25) shall be omitted.

(4) For paragraph (g) of Group 25 (which is framed by reference to a paragraph of Group 11 to be omitted under the foregoing provisions of this Schedule) there shall be substituted the following paragraph:—

- "(g) Articles of a kind used for domestic purposes, the following:—
vessels designed for use primarily as containers for food or drink in the course of its storage, preparation or consumption, lids for use with vessels so designed, serving trays, bread boards, bowls, vases and jugs and ewers Not chargeable under this Group."

1st SCH.
—cont.

13.—(1) No goods shall be chargeable under Group 27 or 28 (which relate to goldsmiths' and silversmiths' wares and articles of semi-precious materials).

(2) In Group 26 (which relates to jewellery) the existing entry shall be paragraph (a) and the following paragraphs shall be added :—

- “(b) Articles of personal adornment and other articles of a kind worn on the person, being articles made wholly or partly of gold, silver or other precious metal (not including base metal which is coated or plated with precious metal) 60 per cent.
- (c) Trophy cups, bowls and similar articles of a kind awarded as prizes 30 per cent.
- (d) Miniatures or reproductions of the insignia of orders, decorations and medals granted by the Sovereign or conferred by or in the gift of a foreign Sovereign State or the Head of a foreign Sovereign State, and ribbons, bars and clasps designed for wear with, or with miniatures or reproductions of, such orders, decorations and medals (including made-up ribbon bars) Exempt”

(3) In Group 27 paragraph (b) (which is replaced by the paragraph (d) added to Group 26) shall cease to have effect and accordingly the whole of Groups 27 and 28 shall be omitted.

Section 2.

SECOND SCHEDULE

PROFITS TAX: CONSEQUENTIAL AND TRANSITIONAL PROVISIONS

Rates of distribution charges

1.—(1) The rate of any distribution charge in respect of a trade or business for a chargeable accounting period ending after the end of October, nineteen hundred and fifty-five, shall be determined as follows—

- (a) the charge shall be at twenty-five per cent., subject to this, that the amount on which the charge is at twenty-five per cent. for any chargeable accounting period shall not, when added to the total of the amounts, if any, on which distribution charges at twenty-five per cent. have fallen to be made for previous chargeable accounting periods, exceed the total of the amounts on which reliefs for non-distribution have been given at twenty-five per cent. for previous chargeable accounting periods ;

(b) on the amount on which, under the preceding paragraph, the charge cannot be at twenty-five per cent. it shall be at twenty per cent., subject to this, that the amount on which the charge is at twenty per cent. shall not, when added—

(i) to the total of the amounts, if any, on which distribution charges at twenty per cent. have fallen to be made for previous chargeable accounting periods ending after the end of the year nineteen hundred and fifty-one; and

(ii) to the total of the amounts, if any, on which distribution charges at forty per cent. have fallen to be made for previous chargeable accounting periods ending at or before the end of the year nineteen hundred and fifty-one; exceed the total of the amounts on which reliefs for non-distribution have been given at forty per cent. for previous chargeable accounting periods or at twenty per cent. for previous chargeable accounting periods ending after the end of the year nineteen hundred and fifty-one;

(c) on the amount on which, under the preceding paragraphs, the charge cannot be at twenty-five per cent. or twenty per cent., it shall be at ten per cent., subject to this, that the amount on which the charge is at ten per cent. shall not, when added—

(i) to the total of the amounts, if any, on which distribution charges at ten per cent. have fallen to be made for previous chargeable accounting periods ending after the end of the year nineteen hundred and fifty-one; and

(ii) to the total of the amounts, if any, on which distribution charges at twenty per cent. have fallen to be made for previous chargeable accounting periods ending at or before the end of the year nineteen hundred and fifty-one; exceed the total of the amounts on which reliefs for non-distribution have been given at twenty per cent. for previous chargeable accounting periods ending at or before the end of the year nineteen hundred and fifty;

(d) on the amount on which under the preceding paragraphs the charge cannot be at twenty-five per cent. or twenty per cent. or ten per cent. it shall be at seven-and-a-half per cent.

References in this sub-paragraph to a distribution charge at a specified rate include references to so much of a distribution charge which is partly at that rate and partly at other rates as is at that rate.

(2) Where, under either of the following provisions of the Finance Act, 1947, that is to say—

(a) subsection (4) of section thirty-six (which relates to schemes of amalgamation or reconstruction); and

(b) subsection (2) of section thirty-eight (which relates to companies having subsidiaries);

a difference in respect of which a non-distribution relief was given to or in respect of a body corporate is to be treated (in whole or

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in part) as if it had been a difference arising in relation to another body corporate on which non-distribution relief has been given to that body, then, for the purposes of sub-paragraph (1) of this paragraph, relief shall be treated as having been given to the second-mentioned body on the difference or the relevant part thereof at the rate or rates at which it was given to or in respect of the first-mentioned body.

Repaid loans

2.—(1) In subsection (3) of section thirty-six of the Finance Act, 1947 (under which the net relevant distributions to proprietors of a body corporate, society or other body are in certain cases treated, on repayment of a loan, as reduced by the amount corresponding to the increase in tax, if any, caused by the loan having previously been treated as part of the body's gross relevant distributions to proprietors), the expression "the amount corresponding to the increase", in relation to a repayment made in a chargeable accounting period ending after the end of October, nineteen hundred and fifty-five, shall, subject to the following provisions of this paragraph, mean the amount tax on which at twenty-five per cent. would be equal to the tax originally ascribable to the loan (that is to say, mean four times the tax originally ascribable to the loan).

(2) If there is a distribution charge at a rate other than twenty-five per cent. for the chargeable accounting period in which any such repayment is made, then in relation to that repayment the expression "the amount corresponding to the increase" in the said subsection (3) shall, subject to sub-paragraph (4) of this paragraph, mean an amount equal to, or, as the case may be, to the sum of, whichever of the following amounts is or are applicable to the circumstances of the case, that is to say—

- (a) if there is a distribution charge at seven-and-a-half per cent., thirteen and one-third times whichever of the following two amounts is the less, that is to say—
 - (i) the tax originally ascribable to the loan ; or
 - (ii) the distribution charge at seven-and-a-half per cent ;
- (b) if there is no distribution charge at seven-and-a-half per cent. or if the distribution charge at seven-and-a-half per cent. is less than the tax originally ascribable to the loan, ten times whichever of the following two amounts is the less, that is to say—
 - (i) the tax originally ascribable to the loan, less the distribution charge, if any, at seven-and-a-half per cent. ;
or
 - (ii) the distribution charge at ten per cent. ;
- (c) if there is no distribution charge at seven-and-a-half per cent. or ten per cent. or if the distribution charge at those rates is less than the tax originally ascribable to the loan, five times whichever of the following two amounts is the less, that is to say—
 - (i) the tax originally ascribable to the loan, less the distribution charge, if any, at those rates ; or
 - (ii) the distribution charge at twenty per cent. ;

(d) if the distribution charge at seven-and-a-half per cent., ten per cent. and twenty per cent. is less than the tax originally ascribable to the loan, four times the amount by which the tax originally ascribable to the loan exceeds the distribution charge at those rates.

2ND SCH.
—cont.

(3) In the last foregoing sub-paragraph, references to a distribution charge shall be taken as referring to the distribution charge which would be chargeable but for the reduction under the said subsection (3), and references to a distribution charge at a specified rate include references to so much of a distribution charge which is partly at that rate and partly at other rates as is at that rate.

(4) This paragraph shall apply in relation to loans made before the end of the year nineteen hundred and fifty-one with the substitution for references to the tax originally ascribable to the loan of references to half the amount of that tax.

(5) In this paragraph "the tax originally ascribable to the loan" means the amount by which the tax for any chargeable accounting period has been increased by reason of the loan being treated as part of the gross relevant distributions to proprietors for that period.

Chargeable accounting periods divided by this Act

3.—(1) In relation to a period which is divided into two chargeable accounting periods by subsection (2) of section two of this Act (in this paragraph referred to as "the divided period"), the enactments specified in sub-paragraphs (2) to (4) of this paragraph shall have effect subject to the provisions of those sub-paragraphs respectively, being provisions designed to secure that the application of those enactments is not affected by the division.

(2) Subsection (1) of section thirty-nine of the Finance Act, 1941 (which, as applied by section forty-three of that Act, relates to the effect of changes in income tax law on the computation of profits for the purpose of profits tax), shall, as so applied, have effect in relation to both chargeable accounting periods as if the reference to the end of the chargeable accounting period were a reference to the end of the divided period.

(3) Each of the following provisions, that is to say, subsections (2) and (3) of section thirty-one and subsections (1) and (2) of section thirty-nine of the Finance Act, 1947 (which relate respectively to bodies corporate whose income is apportioned under Chapter III of Part IX of the Income Tax Act, 1952, and to persons resident outside the United Kingdom), shall apply in relation to either of the said chargeable accounting periods if, but only if, it would apply in relation to the divided period were it a single chargeable accounting period.

(4) The requirement as to residence imposed, for the purposes of double taxation relief, by paragraph 3 of the Sixteenth Schedule to the Income Tax Act, 1952, and the requirement as to residence imposed for those purposes by paragraph 1 of Part II of the Seventeenth Schedule to that Act, shall not be deemed to be satisfied in relation to either chargeable accounting period unless it would be satisfied in relation to the divided period were it a single chargeable accounting period.

2ND SCH.
—cont.

Increases of dividend

4.—(1) If, in the case of any accounting period of a body corporate, unincorporated society or other body beginning before the end of October, nineteen hundred and fifty-five, the total of the dividends assignable to that period exceeds the governing total, any such dividends declared after the twenty-fifth day of October, nineteen hundred and fifty-five, shall, to the extent of the excess—

- (a) in determining the gross relevant distributions to proprietors for the chargeable accounting period beginning at the end of October, nineteen hundred and fifty-five, or for that in which they are paid, whichever is the later, be included as a distribution for that chargeable accounting period ;
- (b) in determining those for any chargeable accounting period other than the one last mentioned, be left out of account.

(2) The governing total for the purposes of sub-paragraph (1) of this paragraph is, in relation to any accounting period of a body corporate, society or other body, the total of the dividends assignable to the immediately preceding accounting period thereof :

Provided that—

- (a) where the amount of any class of paid-up share capital on which dividends assignable to the preceding accounting period are paid is less than the amount of that class of paid-up share capital on which dividends assignable to the succeeding accounting period are paid, then (subject to sub-paragraph (3) of this paragraph) the dividends on that class of capital assignable to the said preceding period shall, if the person carrying on the trade or business so elects, be treated for the purposes of this sub-paragraph as correspondingly increased ; and
- (b) where the preceding accounting period is longer or shorter than the succeeding accounting period, the total dividends assignable to the said preceding period shall be treated for the purposes of this sub-paragraph as correspondingly reduced or increased.

(3) For the purposes of paragraph (a) of the proviso to sub-paragraph (2) of this paragraph, any increase in the amount of any class of paid-up share capital on which dividends are paid shall be disregarded in so far as it represents shares which were previously unissued or not paid up but which have since been issued, or been treated as paid up, wholly or partly in consideration of the retention by the body or society, by way of set-off or otherwise, of sums distributable by way of dividend.

(4) For the purposes of this paragraph, the dividends assignable to any accounting period are those expressed to be paid in respect of that period or any part thereof :

Provided that dividends declared after the twenty-fifth day of October, nineteen hundred and fifty-five, which either—

- (a) are not expressed to be paid in respect of any period ; or

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—cont.

- (b) are expressed to be paid in respect of, or of part of, an accounting period earlier than that ending with or last before the end of that month ;

are to be treated as assignable to the accounting period in which they are paid.

(5) In this paragraph “dividend” includes an interim dividend, and a dividend shall be treated as being declared—

- (a) in the case of a dividend declared by a body or society in general meeting, at the date of the declaration ;
(b) in any other case, at the date on which it is paid :

Provided that—

- (i) where a dividend is declared in general meeting in accordance with a recommendation of the directors and the directors’ decision to make that recommendation was, with the authority of the directors, publicly announced at an earlier date, the dividends shall, for the purposes of this paragraph, be treated as declared at that earlier date ; and
(ii) where a dividend not so declared is paid in accordance with a decision of the directors and that decision was, with their authority, publicly announced at an earlier date, the dividend shall, if the body or society so elects, for the purposes of this paragraph be treated as declared at that earlier date.

THIRD SCHEDULE

Section 4.

PURCHASES OF SHARES BY FINANCIAL CONCERNS AND PERSONS EXEMPTED FROM TAX

1.—(1) Subject to the provisions of the next following paragraph, a dividend shall be regarded for the purposes of section four of this Act and of this Schedule as paid wholly out of profits accumulated before a given date (hereinafter referred to as “the relevant date”)—

- (a) if it is declared for a period falling wholly before the relevant date, or
(b) if there are no profits of the company arising in the period beginning with the relevant date and ending with the date on which the dividend is payable, or
(c) if, out of such profits of the company as arose in the said period beginning with the relevant date, no part is, having regard to paragraph 3 of this Schedule, available for payment of the dividend.

(2) Subject as aforesaid, where, out of such profits of the company as arose in the said period beginning with the relevant date, some part is, having regard to paragraph 3 of this Schedule, available for payment of the dividend but the total amount distributed in payment of the net dividend on all the shares of the class in question exceeds the said part of the profits, the dividend shall be regarded for the said purposes as paid out of profits accumulated before the relevant date to an extent which is the same as the proportion which the excess bears to the said total amount.

3RD SCH.
—cont.

(3) For the purposes of this Schedule a dividend which is declared for a period falling partly before the relevant date, and partly after, shall be regarded as consisting of two dividends respectively declared for the two parts of the period and of amounts proportionate to those parts.

2.—(1) Notwithstanding the provisions of the foregoing paragraph, a dividend shall not be regarded as paid to any extent out of profits accumulated before the relevant date—

- (a) if it became payable within one year from that date ; and
- (b) if in the opinion of the Commissioners having jurisdiction in the matter the annual rate of dividend on the shares in question in the said year—

- (i) is not substantially greater than the annual rate of dividend on those shares in the period of three years ending on the relevant date, or

- (ii) in a case where the shares in question were acquired in the ordinary course of a business of arranging public issues and placings of shares, represents a yield on the cost to the person receiving the dividend which is not substantially greater than the yield obtainable by investing in comparable shares the prices of which are quoted on stock exchanges in the United Kingdom.

(2) For the purposes of paragraph (b) of the foregoing sub-paragraph the Commissioners shall have regard to all dividends paid on the shares in the respective periods, to any share-issue made in those periods to holders of the shares and, in a case under sub-paragraph (i) of the said paragraph (b) where the shares were not in existence three years before the relevant date, to the dividends paid on, and any share-issue made to holders of, any shares surrendered in exchange for the first-mentioned shares or in right of which the first-mentioned shares were acquired, and shall take such averages and make such adjustments as may appear to them to be required for a fair comparison.

3.—(1) The part of the profits of the company arising in the period beginning on the relevant date and ending on the date on which a dividend is payable which is available for payment of the dividend shall be determined as follows.

(2) There shall be deducted from the said profits such amount, whether fixed or proportionate to the amount of the profits, as in the opinion of the Commissioners having jurisdiction in the matter ought justly and reasonably to be treated as set aside for payment of dividends on any other class of shares in the company, having regard to the respective rights attaching to the shares and on the assumption that the total amount available for distribution by way of net dividend on all the shares in the company over any period will be proportionately greater or less than the profits of the company arising in the period beginning on the relevant date and ending on the date on which the dividend mentioned in the foregoing sub-paragraph is payable, according as the first-mentioned period is longer or shorter than the second-mentioned period.

(3) In a case where in the period beginning on the relevant date and ending on the date on which the dividend is payable no previous dividend became payable on the shares of the class in question, the whole of the profits of the company arising in the period, less any deduction to be made under the last foregoing sub-paragraph, shall be regarded as available for payment of the dividend.

(4) If any previous dividend became payable in the said period on the same shares, there shall be determined in accordance with the foregoing paragraphs the extent, if any, to which that previous dividend is to be regarded as paid out of profits accumulated before the relevant date, and the profits of the company arising in the said period, less any deduction to be made as aforesaid, shall be regarded as primarily available for payment of the net amount of that previous dividend so far as it is not regarded as paid out of profits accumulated before the relevant date and only such balance, if any, as remains shall be regarded as available for payment of the later dividend.

(5) Where under sub-paragraph (2) of this paragraph it falls to the Commissioners to determine what should be set aside for payment of dividends on shares of any class, and dividends on shares of that class have been treated under this Schedule as paid to any extent out of profits accumulated before the relevant date, the Commissioners may take that fact into account and reduce the amount to be so set aside accordingly.

4.—(1) For the purposes of this Schedule the profits of a company arising in a given period shall be determined as follows.

(2) The said profits shall be the income of the company for the period diminished by—

- (a) the income tax actually borne by the company for any year of assessment in the said period (including any surtax borne by the company under Chapter III of Part IX of the Income Tax Act, 1952), and
- (b) the profits tax which would have been payable by the company for any chargeable accounting period in the said period if the amount distributed by way of dividend in the chargeable accounting period had been such as, when taken with the profits tax so payable, would just exhaust the income of the company arising in that chargeable accounting period:

Provided that where relief has been afforded to the company under section three hundred and forty-seven or three hundred and forty-eight of the Income Tax Act, 1952 (which relate to double taxation relief by agreement with other countries or unilaterally), references in this sub-paragraph to tax actually borne or to tax which would have been payable shall be construed as references to the tax which would have been borne or payable if that relief had not been given.

5.—(1) For the purposes of this Schedule the income of the company for a given period shall be determined as follows.

3RD SCH.
—cont.

(2) There shall be computed the aggregate amount—

- (a) of any profits or gains arising in the period from any trade carried on by the company computed in accordance with the provisions applicable to Case I of Schedule D. and
- (b) of any income for any year of assessment in the period (computed in accordance with the provisions of the Income Tax Acts) other than profits or gains arising from any such trade.

(3) There shall be deducted from the said aggregate amount the sum of the following amounts, that is to say—

- (a) any loss sustained by the company in the period in any such trade (computed in the same manner as profits or gains under the provisions applicable to Case I of Schedule D), and
- (b) any allowances in respect of any such trade under Part X or XI of the Income Tax Act, 1952, for any year of assessment in the period other than those given by way of deduction in computing profits or gains or losses, and
- (c) any payments made by the company in any year of assessment in the period to which section one hundred and sixty-nine or one hundred and seventy of the said Act applies, other than payments to which the said section one hundred and seventy applies by virtue of section three hundred and eighteen of the said Act or which are deductible in computing the profits or gains or losses of a trade carried on by it.

and the balance shall be the income of the company for the period.

6. Any reference in paragraph 4 or 5 of this Schedule to an amount for a year of assessment in the period in question shall be taken as a reference to the full amount for any year of assessment falling wholly within the period and a proportionate part of the amount (on a time basis) for any year of assessment falling partly within that period, and the reference therein to profits tax payable for any chargeable accounting period in the said period shall be construed in a corresponding manner.

Section 5.

FOURTH SCHEDULE

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
15 & 16 Geo. 6 and 1 Eliz. 2. c. 33.	The Finance Act, 1952	Section nine. The Fourth Schedule.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Finance Act, 1937	1 Edw. 8 & 1 Geo. 6. c. 54.
Finance (No. 2) Act, 1940	3 & 4 Geo. 6. c. 48.
Finance Act, 1941	4 & 5 Geo. 6. c. 30.
Finance Act, 1947	10 & 11 Geo. 6. c. 35.
Finance Act, 1948	11 & 12 Geo. 6. c. 49.
Income Tax Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2. c. 10.
Finance Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2. c. 33.
Finance Act, 1954	2 & 3 Eliz. 2. c. 44.

CHAPTER 18

An Act to provide for the employment of aliens and
British protected persons in civil service under the
Crown. [21st December, 1955]

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

1.—(1) Notwithstanding anything in section three of the Act of Settlement, or in section six of the Aliens Restriction (Amendment) Act, 1919, an alien may be employed in any civil capacity under the Crown—

- Provision for
civil employ-
ment of aliens.
12 & 13 Will. 3.
c. 2.
9 & 10 Geo. 5.
c. 92.
- (a) if he is appointed in any country or territory outside the United Kingdom, the Channel Islands and the Isle of Man and employed in any such country or territory in service of a class or description which appears to the responsible Minister to be appropriate for the employment of aliens; or
- (b) if a certificate in respect of his employment, issued by the responsible Minister with the consent of the Treasury, is for the time being in force under this section;

and so much of the said section three as imposes disability for employment in any such capacity shall cease to have effect in relation to British protected persons.

(2) A certificate may be issued under this section either in respect of the employment of a specified alien in specified service, or in respect of the employment of aliens generally in specified service or in service of any specified class or description; but no

such certificate shall be issued unless it appears to the responsible Minister, at the time of the issue of the certificate,—

- (a) in the case of a certificate in respect of the employment of a specified alien in specified service, either that no suitably qualified person being a British subject is available for employment in that service or that the alien possesses exceptional qualifications or experience fitting him for such employment;
- (b) in the case of any other certificate, that suitably qualified persons being British subjects are not readily available, or available in sufficient numbers, for employment in the service, or class or description of service, specified in the certificate.

(3) A certificate under this section shall cease to have effect, unless previously revoked, at the expiration of a period of five years from the date on which it is issued, but without prejudice to the power of the responsible Minister to issue a fresh certificate.

(4) The Treasury shall lay before each House of Parliament in every financial year a list containing particulars of all certificates in force under this section during the previous financial year, including the numbers of aliens employed during that year in pursuance of such certificates.

Supplemen-
tary provisions.
11 & 12 Geo. 6.
c. 56.

2.—(1) In this Act “alien” and “British protected person” have the same meaning as in the British Nationality Act, 1948; “Minister” includes the Treasury, the Admiralty and the Board of Trade; and “responsible Minister”, in relation to any service, means the Minister concerned with the administration of that service.

(2) Any question arising under this section what Minister is the responsible Minister in relation to any service shall be referred to and determined by the Treasury.

10 & 11 Geo. 5.
c. 67.

(3) No limitation on the powers of the Parliament of Northern Ireland imposed by the Government of Ireland Act, 1920, shall preclude that Parliament from making laws for purposes similar to the purposes of this Act.

(4) Regulation sixty D of the Defence (General) Regulations, 1939 is hereby revoked: but any alien who, immediately before the commencement of this Act, is employed under the Crown by virtue of that Regulation (not being a person appointed and employed in any country or territory outside the United Kingdom, the Channel Islands and the Isle of Man) shall be treated for the purposes of this Act as if a certificate in respect of his employment had been issued under section one of this Act by the responsible Minister immediately after the commencement of this Act.

Short title. 3. This Act may be cited as the Aliens' Employment Act, 1955.

CHAPTER 19

Friendly Societies Act, 1955

ARRANGEMENT OF SECTIONS

Section

1. Power of society to lend surplus funds to society of different description.
2. Power of friendly society to invest in housing association.
3. Extension of purposes of friendly societies.
4. Power to register old people's home societies.
5. Amendments as to amount disposable by nomination on death, and as to conditions for making payments on death.
6. Extension of powers in connection with sickness benefits.
7. Declaration of law as to adopted children.
8. Charge for supplying copies of rules.
9. Provision as to information supplied for national insurance purposes.
10. Payments into Exchequer.
11. Short title, citation, construction and extent.

An Act to extend the powers of friendly societies, and amend the Friendly Societies Acts, 1896 to 1948; to make corresponding amendments for trade unions in relation to sums payable on the death of a member; to make provision with respect to the furnishing of information by the Minister of Pensions and National Insurance in connection with claims for benefit from friendly societies and trade unions; and for purposes connected therewith.

[21st December, 1955]

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

1.—(1) Subject to the provisions of this and the next following section, a registered society or branch (other than a benevolent society or branch thereof) may, if its rules so provide, make advances by way of loan to a registered society or registered branch of a society which is not of the same description, and may take such part in the government and control of the society or branch to which any such advance is made or agreed to be made as may be provided by the rules of that society or branch.

Power of society to lend surplus funds to society of different description.

(2) An advance shall not be made by a society or branch by virtue of this section, unless the value of its assets showed a surplus over the amount of its liabilities according to the last valuation under section twenty-eight of the principal Act or, in the case of a society or branch of which the assets and liabilities are not valued under that section, according to its last annual return under section twenty-seven of the principal Act;

and—

- (a) no advance shall be so made to an amount greater, with any amounts outstanding in respect of previous advances so made, than the amount for the time being unapplied of that surplus;
- (b) for any purpose other than the purposes of the foregoing paragraph, in determining the amount so unapplied there shall be deducted any amounts outstanding in respect of advances so made after the date to which the valuation or return relates.

(3) An advance under this section may be interest free.

(4) Where a society or branch (in this subsection referred to as “the lender”) has made or agreed to make advances under this section to another society or branch (in this subsection referred to as “the borrower”), and the lender is by reason thereof empowered by the rules of the borrower to take part in the government or control of the borrower, section sixty-eight of the principal Act shall apply in relation to the determination of any dispute between the lender and the borrower, being a dispute relating to any such advance or agreement or to the rights of the lender or an officer thereof under the rules of the borrower, as if the borrower were a branch of the lender:

Provided that—

- (a) references in the said section sixty-eight to the rules of the society or branch shall mean the rules of the borrower;
- (b) subsection (1) of the section shall not prevent the bringing of legal proceedings for the determination of any such dispute, unless before the commencement of the proceedings application has been made for a reference under those rules, and any such proceedings may be brought in a county court, whether or not the court would apart from this provision have jurisdiction to entertain them;
- (c) no application under subsection (6) of the section for the determination of any such dispute shall be made to a court of summary jurisdiction.

(5) Nothing in this section shall be taken to prejudice the power of a society or branch under section twenty-two of the principal Act to contribute to the funds and take part in the management of another society or branch of the same description.

(6) For the purposes of this section a society or branch shall be deemed to be of the same description as another society or branch if, but only if, they are both registered by virtue of the same paragraph of section eight of the principal Act and, where each of them is a specially authorised society or branch, they are both established for the same purpose or purposes.

2.—(1) In section forty-four of the principal Act (which relates to the manner in which the funds of registered societies and branches may be invested) the following paragraph shall be added at the end of subsection (1):—

Power of friendly society to invest in housing association.

“ or

(g) in the case of a friendly society or branch of which the rules expressly so direct, in subscribing up to any amount permitted by the Friendly Societies Act, 1955, for any of the share or loan capital of a housing association, other than shares or debentures not fully paid up at the time of issue.”

(2) The power to make investments conferred by this section shall be subject to the same restrictions as are imposed by subsection (2) of the foregoing section on the power to make advances conferred by that section.

(3) For the purposes of the said subsection (2) any amounts for the time being invested by virtue of this section shall be taken into account in the same way as amounts outstanding in respect of advances made by virtue of the foregoing section:

Provided that the amounts invested shall be taken to be amounts equal to the value of the investments according to the valuation or return referred to in the said subsection (2), except in the case of investments made after the date to which the valuation or return relates.

(4) For the purposes of this section, “ housing association ” means a housing association within the meaning of the Housing Act, 1936, or the Housing (Scotland) Act, 1950 (but not including a development corporation).

3.—(1) Paragraph (1) of section eight of the principal Act (which defines the purposes for which societies to be registered as friendly societies may be formed) shall be amended as follows—

Extension of purposes of friendly societies.

(a) in sub-paragraph (c) (under which those purposes include the relief or maintenance of the members when on travel in search of employment) for the words “ when on travel in search of employment ” there shall be substituted the words “ when out of employment ”; and

(b) in sub-paragraph (d) (under which those purposes include the endowment of members or nominees of members at any age) after the words “ at any age ” there shall be inserted the words “ or on marriage ”.

(2) For the purpose of calculating the maximum sum which may be insured or paid under section sixty-two of the principal Act or under section one of the Industrial Assurance and Friendly Societies Act, 1929 (which, like the sections referred to below,

relate to payments on death under insurances in respect of young children or of relatives of the person taking out the policy), no account shall be taken of any repayment of premiums in respect of a policy or other contract insuring money to be paid on marriage, and sections sixty-three to sixty-six of the principal Act and subsection (2) of section four of the Industrial Assurance Act, 1923, shall not apply as respects any such repayment.

(3) At the end of the definitions of "endowment policy" in subsection (2) of section five of the Industrial Assurance and Friendly Societies Act, 1929, and in subsection (6) of section fifty-six of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951, there shall be added the words "and either with or without provision for the payment of money before the expiration of that period and during the life of that person in the event of the marriage of that person or otherwise".

(4) Any society which at the coming into force of this section is registered as a specially authorised society formed solely for the purpose of assisting its members when out of employment, or solely for that purpose and other purposes falling within paragraph (1) of section eight of the principal Act, shall by virtue of this subsection become a registered friendly society and the registrar shall change its registration accordingly.

(5) Where a society is to be registered as a friendly society under the last foregoing subsection, then—

- (a) the registrar, on being satisfied that the rules of the society conform with the provisions of the principal Act relating to friendly societies, shall issue under section eleven of the principal Act an acknowledgment of the society's registry as a friendly society, and for that purpose may adapt the form of acknowledgment in the Second Schedule to the principal Act; and
- (b) if the society's rules require amendment to bring them into conformity with the said provisions, amendments for that purpose shall be made within the six months beginning with the date of the coming into force of this section, and may be so made by resolution of the committee of management.

4.—(1) In section eight of the principal Act, after paragraph (4) there shall be inserted the following paragraph:—

"(4A) Societies (in this Act called old people's home societies) for the purpose of providing homes for the members and others in old age (which shall mean any age after fifty)."

(2) In the following provisions of the principal Act, after the words "working-men's club" there shall be inserted the words

Power to register old people's home societies.

“ old people’s home society ” or the words “ or old people’s home society ”, as the case may require, that is to say:—

- (a) subsection (4) of section twenty-eight (which excepts certain societies from the obligation to have a quinquennial valuation of their assets and liabilities);
- (b) subsection (1) of section fifty-six (which enables a member of a registered society, other than a benevolent society or working-men’s club, to dispose of sums payable on his death by nomination);
- (c) subsection (2) of section ninety-six (which provides that fees shall not be payable on the registry of certain societies or of an amendment of their rules);
- (d) the form of acknowledgment of registry of a society in Part I of the Second Schedule.

5.—(1) In the following enactments (under which a member of a registered society or a trade union may by nomination dispose of moneys payable on his death up to the amount of one hundred pounds), that is to say,—

- (a) subsection (1) of section fifty-six and subsection (1) of section fifty-seven of the principal Act; and
- (b) section ten of the Trade Union Act Amendment Act, 1876 (as amended by section three of the Provident Nominations and Small Intestacies Act, 1883);

Amendments as to amount disposable by nomination on death, and as to conditions for making payments on death.

for the references to one hundred pounds there shall be substituted references to two hundred pounds.

(2) The following enactments (which authorise societies and trade unions before making a payment under a nomination or on the death of an intestate to require evidence that the estate of the deceased did not exceed one hundred pounds), that is to say—

- (a) section fifty-nine of the principal Act; and
- (b) section ten of the Provident Nominations and Small Intestacies Act, 1883;

shall cease to have effect, and accordingly those sections and subsection (2) of section eighteen of and the Fifth Schedule to the Industrial Assurance and Friendly Societies Act, 1948, are hereby repealed.

(3) Subsection (1) of this section shall have effect as respects any nomination delivered at or sent to the appropriate office, or made in the appropriate book, after the commencement of this Act.

6.—(1) In subsection (1) of section ten of the Industrial Assurance Act, 1923 (which enables a friendly society to be wholly or partly exempted from that Act by certificate of the Industrial

Extension of powers in connection with sickness benefits.

Assurance Commissioner, where the society does not carry on the business of effecting assurances on human life premiums in respect of which are received by means of collectors at a greater distance than ten miles from the registered office of the society), the expression "assurance upon human life" shall not apply to any contract providing benefits in sickness or other infirmity if the terms of the contract are such that of the amounts paid by way of premiums thereunder not less than sixty per cent. will be paid for the purpose of providing those benefits.

(2) It is hereby declared that in subsection (2) of the said section ten (under which a certificate of exemption under that section must impose a condition that the society will not employ collectors to receive premiums on policies issued by the society at a greater distance than ten miles from the registered office of the society) the word "policies" refers only to policies of assurance on human life within the meaning of subsection (1) of that section, and any certificate of exemption issued before the coming into force of this section and having effect under the said section ten shall be construed accordingly.

Declaration of law as to adopted children.

7. It is hereby declared that the provision made by subsection (1) of section eleven of the Adoption Act, 1950, that the adopter of an infant shall be deemed to be the parent of the infant for the purposes of enactments relating to friendly societies, collecting societies and industrial assurance companies applies for the purposes of all enactments so relating, and not only for the purposes of those which enable such societies and companies to insure money to be paid for funeral expenses or restrict the persons to whom money may be paid on the death of a child under the age of ten.

Charge for supplying copies of rules.

8. The greatest sum which a registered society or branch may charge for a copy of its rules shall be two shillings, and accordingly in section thirty-eight of the principal Act and in subsection (1) of section ten of the Industrial Assurance and Friendly Societies Act, 1948, for the reference to one shilling there shall in each case be substituted a reference to two shillings.

Provision as to information supplied for national insurance purposes.

9.—(1) Subject to any exceptions or conditions prescribed by regulations of the Minister of Pensions and National Insurance, that Minister shall at the request of any person claiming benefit from a registered friendly society or branch provide the society or branch for the purposes of the claim with a copy or abstract of any medical certificate relating to that person and supplied by him to the Minister for purposes of the Insurance Acts.

(2) Where the Minister of Pensions and National Insurance furnishes a registered friendly society or branch, in connection

with a claim for benefit from the society or branch, with information relating to a claim or award under the Insurance Acts, the expenses incurred in connection therewith by the Minister or any other Government department shall be treated as expenses in carrying into effect either the National Insurance (Industrial Injuries) Act, 1946, or the National Insurance Act, 1946, as the Minister thinks appropriate, and shall be dealt with accordingly under section sixty of the first-mentioned Act or section thirty-eight of the second-mentioned Act (which sections provide for the payment of such expenses out of moneys provided by Parliament subject to reimbursement to the Treasury out of the Industrial Injuries Fund or the National Insurance Fund, as the case may be).

(3) This section shall apply to a registered trade union or branch of a registered trade union as it applies to a registered friendly society or branch.

(4) The power of the Minister of Pensions and National Insurance to make regulations under this section shall be exercisable by statutory instrument which shall be subject to annulment by resolution of either House of Parliament.

(5) In this section, "the Insurance Acts" means the National Insurance (Industrial Injuries) Acts, 1946 to 1954, and the National Insurance Acts, 1946 to 1955.

10. There shall be paid into the Exchequer any increase attributable to this Act in the fees payable to any registrar under or by virtue of the principal Act. Payments into Exchequer.

11.—(1) This Act may be cited as the Friendly Societies Act, 1955. Short title, citation, construction and extent.

(2) This Act shall be construed as one with the Friendly Societies Acts, 1896 to 1948, and may be cited with those Acts as the Friendly Societies Acts, 1896 to 1955.

(3) In this Act—

(a) "the principal Act" means the Friendly Societies Act, 1896; and

(b) references to any enactment, except in so far as the context otherwise requires shall be taken as referring to that enactment as amended, extended or applied by or under any other enactment, including this Act.

(4) This Act shall extend to Great Britain, the Isle of Man and the Channel Islands, but not to Northern Ireland.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Trade Union Act Amendment Act, 1876... ..	39 & 40 Vict. c. 22.
Provident Nominations and Small Intestacies Act, 1883	46 & 47 Vict. c. 47.
Friendly Societies Act, 1896	59 & 60 Vict. c. 25.
Industrial Assurance Act, 1923	13 & 14 Geo. 5. c. 8.
Industrial Assurance and Friendly Societies Act, 1929	19 & 20 Geo. 5. c. 28.
Housing Act, 1936	26 Geo. 5. & 1 Edw. 8. c. 51.
National Insurance (Industrial Injuries) Act, 1946	9 & 10 Geo. 6. c. 62.
National Insurance Act, 1946	9 & 10 Geo. 6. c. 67.
Industrial Assurance and Friendly Societies Act, 1948	11 & 12 Geo. 6. c. 39.
Adoption Act, 1950	14 Geo. 6. c. 26.
Housing (Scotland) Act, 1950	14 Geo. 6. c. 34.
Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951	14 & 15 Geo. 6. c. 65.

CHAPTER 20

An Act to make provision, by means of Exchequer grants and otherwise, for the improvement of certain roads situated in, or affording access to, livestock rearing areas ; and for purposes connected with the matter aforesaid. [21st December, 1955]

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

Proposals for improvement of roads.

1.—(1) The council—

- (a) of any county, county borough, non-county borough or urban district in England or Wales, or
- (b) of any county in Scotland, not being a county named in the Schedule to this Act,

may submit to the Minister proposals for effecting an improvement to which this Act applies in respect of any unclassified road or unadopted road in the area of the council.

(2) This Act applies to any improvement of a road in the case of which it appears to the council proposing the improvement—

- (a) that the road is situated in, or affords access to, a livestock rearing area, and

(b) that the improvement would promote the use, or the more efficient use, of land in that area for any purpose of agriculture or forestry.

(3) Subject to the following provisions of this section, the Minister may approve any proposals submitted to him under this section if he is satisfied that the conditions specified in paragraphs (a) and (b) of the last preceding subsection are fulfilled in respect of the improvement to which the proposals relate.

(4) The Minister shall not approve any proposals under this section which relate to an unclassified road unless the council submitting the proposals are the highway authority in respect of the road.

(5) The Minister shall not approve any proposals under this section which relate to an unadopted road unless he is satisfied that all requisite steps have been, or will be, taken for securing that the road will become a maintainable highway, and that, on its becoming such a highway, the council submitting the proposals will be the highway authority in respect of the road.

(6) Where proposals approved by the Minister under this section relate to an unadopted road in England or Wales which is a highway, then, without prejudice to the provisions of any other enactment under which such a road may become a maintainable highway, the council submitting the proposals shall have power, by notice exhibited on or near the road, to declare it to be a maintainable highway, and thereupon—

(a) the road shall become a maintainable highway, and

(b) if, apart from this subsection, any person would be under an obligation to repair the road (whether under an enactment, or by reason of tenure, enclosure or prescription), that obligation shall be extinguished.

2.—(1) Subject to the provisions of this section, the Minister, with the approval of the Treasury, may make grants, out of moneys provided by Parliament, towards expenditure incurred by councils in carrying out proposals which, at any time before the end of the period of seven years beginning with the date of the passing of this Act, are approved by the Minister under the preceding section. Grants towards cost of approved proposals.

(2) The amount which may be paid to a council by way of grant under this section in respect of any proposals shall be such proportion of the expenditure incurred by the council in carrying out the proposals, and approved by the Minister as having been reasonably incurred, as the Minister, with the approval of the Treasury, may determine in the case of those proposals.

(3) A grant under this section in respect of any proposals may be paid either on the completion, to the satisfaction of the

Minister, of the work of carrying out the proposals or by instalments on the completion, to the satisfaction of the Minister, of parts of that work.

(4) The aggregate of the grants made by virtue of this section shall not exceed four million pounds.

Contributions towards expenditure on improving roads.

3.—(1) Where the council of any county, county borough or county district in England or Wales, or the council of any county or district in Scotland, propose to improve an unclassified road or unadopted road in their area, and the improvement is one to which this Act applies, the council may enter into an agreement under this section with any person willing to contribute to the improvement; and the extent of the contributions (if any) obtainable by virtue of such agreements shall be included among the matters to which a council may have regard in connection with any proposal to effect such an improvement.

(2) Any agreement made under this section by a council with any person—

- (a) shall provide for the making by that person of a contribution of such amount as may be specified in the agreement, either by a single payment or by periodical payments as may be so specified, towards expenditure to be incurred by the council in effecting the improvement to which the agreement relates, and
- (b) may contain such incidental and consequential provisions as appear to the parties thereto to be expedient for the purposes of the agreement.

(3) A council may enter into an agreement under this section in respect of an improvement whether or not they have submitted, or intend to submit, proposals to the Minister under section one of this Act in respect of that improvement.

Financial Provisions.

4. There shall be paid out of moneys provided by Parliament—

- (a) any administrative expenses incurred by the Minister for the purposes of this Act, and
- (b) any increase, attributable to the provisions of subsection (6) of section one of this Act, in the sums payable out of moneys so provided under Part I of the Local Government Act, 1948, or under the Local Government (Financial Provisions) (Scotland) Act, 1954.

Interpretation.

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

“ agriculture ”, as respects England and Wales, has the same meaning as in the Agriculture Act, 1947, and as respects Scotland has the same meaning as in the Agriculture (Scotland) Act, 1948;

“improvement”, in relation to a road, includes the widening of the road, the cutting off of corners of the road, and the provision for the road of a cattle-grid and of any works required in connection with a cattle-grid, and “improve” shall be construed accordingly;

“livestock rearing area” means an area consisting predominantly of mountains, hills or heath, being an area in which the principal industry, or one of the principal industries, is the breeding, rearing and maintenance of sheep or cattle;

“maintainable highway”, as respects England and Wales, means a highway maintainable or repairable by the inhabitants at large, and as respects Scotland means a highway managed and maintained by the Minister of Transport and Civil Aviation or by a county or town council;

“the Minister” in relation to England and Wales means the Minister of Agriculture, Fisheries and Food and in relation to Scotland means the Secretary of State;

“road” includes any bridge, viaduct or subway;

“unadopted road” means a road which (whether it is a highway or not) is not a maintainable highway;

“unclassified road” means a road which is a maintainable highway but is neither a trunk road nor a road classified under the Ministry of Transport Act, 1919.

(2) In the application of this Act to Scotland—

(a) “highway authority”, in relation to a maintainable highway, means the authority responsible for the management and maintenance of the highway;

(b) section one hundred and eighteen of the Local Government (Scotland) Act, 1947 (which provides for the combination of certain counties for certain purposes) shall have effect in relation to the purposes of this Act as it has effect in relation to the purposes specified in subsection (1) of that section.

(3) The provisions of this Act, except subsection (6) of section one thereof, shall not be construed as conferring on any council any power to do work, or incur expenditure, which the council would not be authorised to do or incur apart from this Act.

6.—(1) This Act may be cited as the Agriculture (Improvement of Roads) Act, 1955. Short title
and extent.

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

Section 1.

SCHEDULE

COUNTIES IN SCOTLAND EXCLUDED FROM SECTION ONE

Argyll.	Ross and Cromarty.
Caithness.	Sutherland.
Inverness.	Zetland.
Orkney.	

—————  —————

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Ministry of Transport Act, 1919	9 & 10 Geo. 5. c. 50.
Local Government (Scotland) Act, 1947... ..	10 & 11 Geo. 6. c. 43.
Agriculture Act, 1947	10 & 11 Geo. 6. c. 48.
Local Government Act, 1948	11 & 12 Geo. 6. c. 26.
Agriculture (Scotland) Act, 1948	11 & 12 Geo. 6. c. 45.
Local Government (Financial Provisions) (Scotland) Act, 1954	2 & 3 Eliz. 2. c. 13.

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## CHAPTER 21

An Act to enable Her Majesty to withdraw personal diplomatic immunities from members of the diplomatic missions of certain foreign sovereign Powers and their families; and to exclude citizens of the United Kingdom and Colonies from the enjoyment of such immunities.

[21st December, 1955]

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

Reciprocal  
withdrawal  
of personal  
immunities.

1.—(1) If it appears to Her Majesty that the personal immunities conferred by law on the envoys of foreign sovereign Powers accredited to Her Majesty, their families and servants, and members of the official staff of such envoys and their families, exceed in any respect those accorded in the territory of any such Power to an envoy of Her Majesty and persons similarly

connected with him, Her Majesty may by Order in Council withdraw the said personal immunities in the case of that Power, to such extent and in respect of such classes of persons as appears to Her Majesty to be proper.

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

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

2.—(1) Subject to the provisions of this section, no person being a citizen of the United Kingdom and Colonies shall be entitled to any such personal immunities as are mentioned in section one of this Act. Exclusion of personal immunities in case of citizens of U.K. and Colonies.

(2) This section shall not affect any immunity enjoyed by any person by virtue of an office or employment in respect of which he was accepted on behalf of Her Majesty at any time before the passing of this Act.

3.—(1) In this Act “personal immunities” means immunity from suit or legal process (except in respect of things done or omitted to be done in the course of the performance of official duties) and inviolability of residence. Interpretation and saving.

(2) Nothing in this Act, or in any Order in Council made thereunder, shall affect the operation of any enactment which confers or makes provision for conferring on any class of persons immunities corresponding with any such personal immunities as are mentioned in section one of this Act; and any such Order in Council shall be disregarded for the purposes of paragraph (a) of the proviso to section four of the British Nationality Act, 1948 (which relates to the citizenship of the children of certain persons possessing immunity from suit and legal process). 11 & 12 Geo. 6. c. 56.

4. This Act may be cited as the Diplomatic Immunities Restriction Act, 1955. Short title.



## CHAPTER 22

An Act to continue certain expiring laws.

[21st December, 1955]

**W**HEREAS the Acts mentioned in the Schedule to this Act are, in so far as they are in force and are temporary in their duration, limited to expire—

- (a) as respects those mentioned in Part I of the said Schedule, on the thirty-first day of December, nineteen hundred and fifty-five; and
- (b) as respects those mentioned in Part II of the said Schedule, on the thirty-first day of March, nineteen hundred and fifty-six:

and whereas it is expedient to provide for the continuance, as in this Act mentioned, of those Acts and of the enactments amending or affecting the same:

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

Continuance  
of Acts in  
Schedule.

1.—(1) The Acts mentioned in Part I of the Schedule to this Act shall, to the extent specified in column three of that Part, be continued until the thirty-first day of December, nineteen hundred and fifty-six.

(2) The Acts mentioned in Part II of the Schedule to this Act shall, to the extent specified in column three of that Part, be continued until the thirty-first day of March, nineteen hundred and fifty-seven.

(3) Any unrepealed enactments which are temporary in their duration shall, in so far as they amend or affect any enactment continued by the foregoing provisions of this Act, be continued in like manner as that enactment whether they are mentioned in the Schedule to this Act or not.

Short title and  
application to  
Northern  
Ireland.

2.—(1) This Act may be cited as the Expiring Laws Continuance Act, 1955.

(2) This Act shall apply to Northern Ireland in so far as it deals with any enactment relating to a subject with respect to which the Parliament of Northern Ireland has not power to make laws, but, save as hereinbefore provided, shall not apply to Northern Ireland.



## SCHEDULE

## Section 1.

## PART I

| 1                                    | 2                                                                   | 3                     | 4                                                   |
|--------------------------------------|---------------------------------------------------------------------|-----------------------|-----------------------------------------------------|
| Session and Chapter                  | Short Title                                                         | How far continued     | Amending Acts                                       |
| (1)<br>9 & 10 Geo. 5.<br>c. 92.      | The Aliens Restriction (Amendment) Act, 1919.                       | Section one.          | —                                                   |
| (2)<br>24 & 25 Geo. 5.<br>c. 30.     | The Cotton Manufacturing Industry (Temporary Provisions) Act, 1934. | Sections one and two. | —                                                   |
| (3)<br>24 & 25 Geo. 5.<br>c. 50.     | The Road Traffic Act, 1934.                                         | Section one.          | 1 Edw. 8. &<br>1 Geo. 6. c. 5.                      |
| (4)<br>1 & 2 Geo. 6.<br>c. 12.       | The Population (Statistics) Act, 1938.                              | The whole Act.        | 1 & 2 Geo. 6.<br>c. 55.<br>1 & 2 Eliz. 2.<br>c. 37. |
| (5)<br>10 & 11 Geo. 6.<br>c. 36.     | The Education (Exemptions) (Scotland) Act, 1947.                    | The whole Act.        | —                                                   |
| (6)<br>12, 13 & 14<br>Geo. 6. c. 25. | The Tenancy of Shops (Scotland) Act, 1949.                          | The whole Act.        | —                                                   |
| (7)<br>14 & 15 Geo. 6.<br>c. 15.     | The Local Government (Scotland) Act, 1951.                          | Section four.         | —                                                   |

## PART II

| Session and Chapter              | Short Title                                                | How far continued | Amending Acts                                                                          |
|----------------------------------|------------------------------------------------------------|-------------------|----------------------------------------------------------------------------------------|
| (8)<br>6 & 7 Geo. 6.<br>c. 44.   | The Rent of Furnished Houses Control (Scotland) Act, 1943. | The whole Act.    | 10 & 11 Geo. 6.<br>c. 43.<br>12, 13 & 14<br>Geo. 6. c. 40.<br>2 & 3 Eliz. 2.<br>c. 50. |
| (9)<br>9 & 10 Geo. 6.<br>c. 34.  | The Furnished Houses (Rent Control) Act, 1946.             | The whole Act.    | 12, 13 & 14<br>Geo. 6. c. 40.<br>2 & 3 Eliz. 2.<br>c. 53.                              |
| (10)<br>1 & 2 Eliz. 2.<br>c. 46. | The Licensing Act, 1953.                                   | Part II.          | —                                                                                      |



## **TABLE III**

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### **CHRONOLOGICAL LIST OF THE MEASURES**

**PASSED BY THE NATIONAL ASSEMBLY OF THE CHURCH  
OF ENGLAND WHICH RECEIVED THE ROYAL  
ASSENT DURING THE YEAR**

**1955**

**3 & 4 ELIZ. 2**

**No. 1. Inspection of Churches Measure, 1955, p. ii.**

**4 ELIZ. 2**

**No. 1. Diocesan Education Committees Measure, 1955, p. v.**

## 3 &amp; 4 ELIZ. 2.

## No. 1

A MEASURE passed by the National Assembly of the Church of England.

To provide for the establishment of schemes for the inspection of churches by architects at least once in every five years; and for purposes connected therewith. [29th March, 1955]

Whereas by the Constitutions and Canons Ecclesiastical of the Church of England it was provided that the churchwardens should take care to provide that churches be well and sufficiently repaired, kept and maintained, and that every archdeacon should survey the churches of his jurisdiction once in every three years in his own person or cause the same to be done:

And whereas all powers, duties and liabilities of the churchwardens relating to the care, maintenance, preservation and insurance of the fabric of the church have been transferred to and are vested in the parochial church council:

And whereas it is expedient that every church should be inspected by an architect at least once in every five years.

Diocesan Conferences to establish schemes for inspection of churches.

1.—(1) As soon as may be after the passing of this Measure and in any case not later than three years thereafter the Diocesan Conference of every diocese to which this Measure applies shall establish a scheme to provide for the inspection of every church in the diocese at least once in every five years.

(2) Every scheme:—

- (a) shall provide for the establishment of a fund by means of contributions from parochial, diocesan or other sources;
- (b) shall provide for the payment out of such fund or otherwise of the cost of the inspection of churches in the diocese;
- (c) shall provide for the appointment of an architect or architects approved by the advisory committee to inspect the churches in the diocese and to make a report on every church inspected;
- (d) shall provide in the case of every church inspected for a copy of the report so made to be sent to the archdeacon of the archdeaconry and to the parochial church council of the parish, in which the church is situate; and
- (e) may contain such other provisions not inconsistent with this Measure as the Diocesan Conference shall think fit.

(3) The Diocesan Conference shall have power at any time or times to establish a further scheme taking the place of any prior scheme but so that every such further scheme shall be for the purpose specified in subsection (1) of this section and shall comply with the provisions of subsection (2) thereof.

(4) Any scheme made in pursuance of this section and passed at a meeting of the Diocesan Conference shall be signed by the Chairman of that meeting and shall come into operation as from the date on which it is so signed.

2.—(1) Where the archdeacon of any archdeaconry finds at a survey of the churches of his jurisdiction or at any other time that a church in his archdeaconry has not been inspected to his satisfaction by an architect for a period of at least five years, he may serve upon the parochial church council of the parish in which the church is situate a notice in writing requiring the council to cause the church to be inspected in accordance with the scheme made in pursuance of section one of this Measure for the diocese in which the church is situate.

Power for archdeacon to ensure inspection of churches once in five years.

(2) At any time after the expiration of three months from the date when the said notice was served, the archdeacon, with the consent of the bishop, may, if the church has not been so inspected in the meantime, himself make arrangements for the required inspection and report.

3. In any case where a church has been inspected pursuant to a notice served, or to arrangements made by the archdeacon under section two of this Measure, the cost of such inspection as certified by the archdeacon shall be paid out of the fund established by the scheme mentioned in that section.

Cost of inspection arranged by archdeacon.

4.—(1) Where at any material time a parish has no parochial church council, the provisions of this Measure (and of any scheme made under section one thereof) with respect to notices to be sent to, and other acts and things to be done to or by, a parochial church council shall, as regards that parish, if there are churchwardens thereof, have effect as if the churchwardens were the parochial church council.

Parishes without parochial church councils.

(2) For the purpose of this section, a certificate by the bishop of a diocese stating that at any time specified in the certificate a particular parish in the diocese had no parochial church council shall be conclusive.

5. Any notice required or authorised by this Measure to be served on a parochial church council or churchwardens may be served:—

Service of notices.

(a) in the case of a parochial church council, by sending it by post in a registered letter addressed to the secretary

of the council by his name at his usual, or last known, residence, or, if his name or residence is unknown, then in such a letter addressed to him by the title of secretary of the council in question at the usual, or last known, residence of the incumbent of the parish;

- (b) in the case of the churchwardens of a parish, by sending it by post in registered letters addressed to any two of them at their usual, or last known, residences, or, if there is only one churchwarden, by sending it by post in such a letter addressed to him at his usual, or last known, residence.

**Interpretation.** 6. In this Measure the following expressions have the meanings hereby respectively assigned to them:—

1 & 2 Geo. 6.  
No. 6.

“ advisory committee ” means the advisory committee for the care of churches of the diocese in question appointed under the Faculty Jurisdiction Measure, 1938;

“ the bishop ” when used with reference to a church means the bishop of the diocese in which the church is situate (including during a vacancy in the see the guardian of the spiritualities thereof);

“ diocese ” in the case of the diocese of Winchester does not include the Channel Islands.

**Extent and  
short title.**

7.—(1) This Measure shall extend to the whole of the Provinces of Canterbury and York, except the Channel Islands and the Isle of Man.

(2) This Measure may be cited as the *Inspection of Churches Measure, 1955*.



## 4 ELIZ. 2.

## No. 1

A MEASURE passed by the National Assembly of the Church of England.

To consolidate with amendments certain provisions of the Diocesan Education Committees Measure, 1943, and the Diocesan Education Committees Measure, 1943 (Amendment) Measure, 1951; to provide for the validation and continuance of orders made under the provisions of those Measures and for purposes connected therewith. [21st December, 1955]

1.—(1) For every diocese within the provinces of Canterbury and York except the diocese of Sodor and Man there shall be a diocesan education committee (whether corporate or unincorporate) responsible to the diocesan conference and having such rights, powers, duties and obligations as are vested in the committee by this Measure. Establishment and constitution of Diocesan Education Committees.

(2) Subject to the provisions of this Measure, a diocesan education committee shall be constituted either in accordance with the Schedule to this Measure or in accordance with an order made by the Minister upon and in accordance with a request in that behalf made on resolution of the diocesan conference and with the consent of the bishop.

A diocesan education committee constituted in accordance with the Schedule to this Measure shall be known as the diocesan education committee with the addition of the name of the diocese and a diocesan education committee constituted in accordance with an order made by the Minister shall be known by the name designated in the order.

(3) The Minister upon and in accordance with a request in that behalf made on resolution of the diocesan conference and with the consent of the bishop may by order amend, vary or revoke any order made under the provisions of this section.

(4) Where a diocesan education committee is constituted in accordance with the Schedule to this Measure, the Minister upon a request in that behalf made on resolution of the diocesan conference and with the consent of the bishop may by order direct that the provisions of the said Schedule shall cease to apply to that committee.

Rights powers  
duties and  
obligations of  
committees.

2.—(1) The diocesan education committee for each diocese shall have the right, power, duty and obligation from time to time:—

- (i) to take such steps as may appear to the committee to be conducive to the promotion of religious education according to the faith and practice of the Church of England and to watch the interests of church schools;
- (ii) to take such action as may appear desirable to secure the provision of new schools;
- (iii) to promote, and co-operate with other religious bodies and with local education authorities in promoting, religious education within the diocese;
- (iv) to give advice as and when the committee thinks fit to trustees or owners, and managers or governors, of church schools and others concerned as to any matters affecting church schools within the diocese and also to the governing bodies of church educational endowments as to any matters affecting church educational endowments within the diocese;
- (v) to make plans calculated in the opinion of the committee to further the development and organisation of religious education in the diocese and, in particular, of instruction in religious knowledge according to the faith and practice of the Church of England after consultation with such trustees or owners, and managers or governors, of church schools, within the diocese and with such other persons as in the opinion of the committee are interested or as may be in any way affected thereby.

(2) The trustees or owners and managers or governors of every church school in a diocese shall be bound to consult the diocesan education committee for the diocese and to have regard to its representations in any negotiations for, and before making, any agreement or arrangement with the Minister, the Charity Commissioners or the local education authority for or with respect to the restoration, rearrangement, continuance, discontinuance, closing, sale or lease of, or other dealing with such church school, or for or with respect to the amalgamation thereof with any other school.

(3) In this section references to church schools shall (unless the context otherwise requires) be deemed to include the sites, properties and endowments thereof.

(4) The governing body of every church educational endowment in a diocese shall be bound to inform the diocesan education committee for the diocese before any change in the use of such endowment is made, whether by scheme or otherwise, and to have regard to any advice given under subsection (1) of this section.



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

“bishop” means the bishop of the diocese concerned or, in relation to the diocese of an archbishop, the archbishop or, during a vacancy in the see of either, the guardian of the spiritualities thereof;

“church educational endowment” means an educational endowment which includes among the purposes for which it has been made applicable or is applied instruction in religious knowledge according to the faith and practice of the Church of England;

“church school” means a voluntary school within the meaning of subsection (2) of section nine of the Education Act, 1944, including the site and buildings thereof, which by virtue of a statute, or charter, or scheme order or other instrument made by virtue of a statute or other authority, or any trust, or usage, or repute, or any combination thereof is for the time being held on trust for the purposes of primary or secondary education as defined in the Education Acts, 1944 to 1953, together with instruction (either as part thereof or in addition thereto) in religious knowledge according to the faith and practice of the Church of England; 7 & 8 Geo. 6, c. 31.

“educational endowment” “endowment” and “governing body” have the same meanings respectively as in the Endowed Schools Acts, 1869 to 1948;

“local education authority” has the same meaning as in the Education Act, 1944;

“Minister” means the Minister of Education.

(2) In section three of the Diocesan Education Committees Measure, 1943, the expression “church school” has the same meaning as in this Measure and the expression “managers” in relation to a school providing secondary education as defined in the Education Acts, 1944 to 1953, means the governors of the school. 6 & 7 Geo. 6, No. 3.

(3) References in this Measure to any other Act or Measure or to any provision thereof shall, except so far as the context otherwise requires, be construed as references to that Act or Measure or provision as amended by or under any other Act or Measure, including this Measure.

4.—(1) Sections one, two and four of and the Schedule to the Diocesan Education Committees Measure, 1943, and the Diocesan Education Committees Measure, 1943 (Amendment) Measure, 1951, are hereby repealed: Repeals and Savings. 14 & 15 Geo. 6, No. 1.

Provided that without prejudice to the provisions of section thirty-eight of the Interpretation Act, 1889, this subsection shall have effect subject to the following provisions of this section. 52 & 53 Vict. c. 63.

(2) Any diocesan education committee (whether corporate or unincorporate) which immediately before the passing of this Measure was constituted in accordance with the Schedule to the Diocesan Education Committees Measure, 1943, if in existence at the passing of this Measure shall be deemed to be duly constituted as a diocesan education committee in accordance with the Schedule to this Measure.

(3) Any order expressed to have been made by the Board of Education or the Minister under section one of the Diocesan Education Committees Measure, 1943, as originally passed or as amended by the Diocesan Education Committees Measure, 1943 (Amendment) Measure, 1951, shall be deemed always to have been validly made and shall have effect as from the passing of this Measure as if so made under section one of this Measure; and any body of persons (whether corporate or unincorporate), which by virtue of any such order is deemed to have been a diocesan education committee duly set up and constituted in accordance with the provisions of the said Measure of 1943 as originally passed or as amended by the said Measure of 1951 shall, as from the passing of this Measure, be deemed to be a diocesan education committee duly constituted as required by section one of this Measure.

11 & 12 Geo. 6,  
c. 38.

(4) Without prejudice to the provisions of subsection (3) of this section, where any such order directs, in relation to any diocese, that a body of persons shall be deemed to be a diocesan education committee duly set up and constituted in accordance with the provisions of the said Measure of 1943 as amended by the said Measure of 1951 and that body of persons had before the making of the order been incorporated under the Companies Act, 1948, that order shall be deemed to have had effect as from the date on which that body of persons was so incorporated, and accordingly that body of persons shall be deemed as from that date to have taken the place of the diocesan education committee in existence for that diocese immediately before that date.

(5) Nothing in this section shall affect any representation, arrangement, agreement or request made, resolution passed, advice, direction, consent or notice given, or thing done under any Measure or provision of a Measure repealed by this Measure, but every such representation, arrangement, agreement, request, resolution, advice, direction, consent, notice or thing shall continue in force and shall, so far as it could have been made, passed, given or done under this Measure have effect as if it had been made, passed, given or done under this Measure.

(6) Any person holding office, or acting or serving, under or by virtue of any Measure or any provision of any Measure repealed by this Measure shall continue to hold office, or to act or serve as if he had been elected, co-opted, nominated or

appointed or had acted or served under this Measure, and nothing in this repeal shall affect the terms and conditions on and subject to which he held such office or acted or served immediately before the passing of this Measure.

(7) Any instrument or other document referring to any Measure or any provision of any Measure repealed by this Measure shall be construed as referring to this Measure or to the corresponding provision of this Measure.

5. This Measure may be cited as the Diocesan Education Committees Measure, 1955, and this Measure and the Diocesan Education Committees Measure, 1943, may be cited together as the Diocesan Education Committees Measures, 1943 and 1955. Short title and citation.

## SCHEDULE

Section 1.

### CONSTITUTION OF DIOCESAN EDUCATION COMMITTEES

A Diocesan Education Committee shall be constituted as follows, namely:—

- (1) The bishop, suffragan bishops, assistant bishops, and archdeacons shall be ex-officio members.
- (2) The diocesan conference shall elect not more than twenty and not fewer than twelve members of whom four members at least shall be ministers holding separate cure of souls in a parish or conventional district within the diocese; six at least shall be lay persons of whom two at least shall be women.  
Elections shall be held in such manner as the diocesan conference may direct. The first elected members shall hold office until the expiration of the conference by which they are elected or until their successors shall be elected and thereafter the elected members shall hold office for three years or until their successors shall be elected, whichever in each case shall be the later.
- (3) The Committee shall co-opt not more than eight additional members being persons who are for the time being trustees, foundation managers, foundation governors, or otherwise interested in church schools in the diocese of whom not less than half shall be foundation managers, or foundation governors of such schools.
- (4) The bishop shall have power to nominate not more than four additional members of whom two at least shall be teachers in church schools.
- (5) The Chairman of the Committee shall be the bishop or, if he shall decide not to act as chairman, some other person appointed by the Committee.

- (6) The Committee shall appoint its own secretary.
- (7) The Committee shall have power to fill any casual vacancies and may act notwithstanding any vacancy in its membership.
- (8) Eight members of the Committee shall form a quorum.
- (9) The Committee may appoint sub-committees including or not including persons not members of the Committee.
- (10) Subject to the foregoing provisions, and to any directions given by the diocesan conference, the Committee shall have power to regulate its own procedure.
- (11) Subject to any limit or restriction imposed by the diocesan conference the expenses of the Committee shall unless otherwise provided for be defrayed by the diocesan board of finance out of any moneys applicable to the expenses of that board.



# TABLE IV

## EFFECT OF LEGISLATION

**ACTS AND MEASURES (IN CHRONOLOGICAL ORDER) REPEALED, AMENDED OR OTHERWISE AFFECTED BY THOSE ACTS, MEASURES AND STATUTORY INSTRUMENTS WHICH RECEIVED THE ROYAL ASSENT OR WERE MADE DURING 1955**

[NOTE.—*Statute references in the fourth column are to chapters of 3 & 4 Eliz. 2 unless otherwise stated.*]

| Session and Chap. or No. of Measure | Short title or Subject                                                | How affected                                                                  | Chapter of 1955 Act or number of Measure or Statutory Instrument     |
|-------------------------------------|-----------------------------------------------------------------------|-------------------------------------------------------------------------------|----------------------------------------------------------------------|
| 12 & 13 Will. 3:<br>c. 2 ... ..     | Act of Settlement ...                                                 | S. 3 excl. in pt. ( <i>prosp.</i> ) {<br><br>am. (British protected persons). | 18, s. 21 (4).<br>19, s. 21 (4).<br><br>18 (4 Eliz. 2),<br>s. 1 (1). |
| 5 Geo. 4:<br>c. 64 ... ..           | Fisheries Act, 1824 ...                                               | Rep. ... ..                                                                   | 7, ss. 4, 7 (4), sch.                                                |
| 7 & 8 Geo. 4:<br>c. 17 ... ..       | Distress (Costs) Act, 1827                                            | Rep. (rates) ( <i>prosp.</i> ) ...                                            | 9 (4 Eliz. 2),<br>s. 13 (4).                                         |
| 2 & 3 Will. 4:<br>c. 116... ..      | Lord Lieutenants' and Lord Chancellors' Salaries (Ireland) Act, 1832. | Rep. ... ..                                                                   | 8, s. 6 (3), sch.                                                    |
| 3 & 4 Will. 4:<br>c. 30 ... ..      | Poor Rate Exemption Act, 1833.                                        | Rep. (E.)... ..                                                               | 9 (4 Eliz. 2), ss.<br>7 (4), 15, sch. 8<br>Pt. II.                   |
| 4 & 5 Will. 4:<br>c. 24 ... ..      | Superannuation Act, 1834                                              | Appl. ... ..                                                                  | S.I. No. 1893.                                                       |
| 8 & 9 Vict.:<br>c. 19 ... ..        | Lands Clauses Consolidation (Scotland) Act, 1845.                     | Incorp. in pt. (mod.) ...<br>S. 7 excl.... ..                                 | 21, s. 32 (1).<br>21, s. 17 (5).                                     |
| c. 33 ... ..                        | Railways Clauses Consolidation (Scotland) Act, 1845.                  | S. 6 incorp. ...<br>Ss. 70-78. Power to incorp. }                             | 21, s. 32 (1).                                                       |

| Session and Chap. or No. of Measure                             | Short title or Subject                                                                                                                                                   | How affected                                                                                                       | Chapter of 1955 Act or number of Measure or Statutory Instrument                            |
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| 10 & 11 Vict.:<br>c. 63 ... ..                                  | Royal Marines Act, 1847                                                                                                                                                  | Rep. ( <i>prosp.</i> ) so far as still in force.                                                                   | 20, s. 5 (2), sch. 4.                                                                       |
| 12 & 13 Vict.:<br>c. 14 ... ..<br>c. 96 ... ..                  | Distress for Rates Act, 1849.<br>Admiralty Offences (Colonial) Act, 1849.                                                                                                | S. 1 expld. ... ..<br>Appl. (mod.) (Muscat) ... ..<br>(Nigeria Protectorate and Cameroons).                        | 9 (4 Eliz. 2), s. 13 (4).<br>S.I. No. 1641, art. 12, sch. 2.<br>S.I. No. 1820, art. 3, sch. |
| 17 & 18 Vict.:<br>c. 94 ... ..                                  | Public Revenue and Consolidated Fund Charges Act, 1854.                                                                                                                  | Sch. (B) rep. in pt. ... ..                                                                                        | 7, s. 7 (4), sch.                                                                           |
| 19 & 20 Vict.:<br>c. 113 ... ..                                 | Foreign Tribunals Evidence Act, 1856.                                                                                                                                    | Appl. (mod.) ... ..<br>Appl. (mod.) (Muscat) ... ..<br>(Nigeria Protectorate and Cameroons).                       | 2 (4 Eliz. 2), s. 1 (3).<br>S.I. No. 1641, art. 12, sch. 2.<br>S.I. No. 1820, art. 3, sch.  |
| 20 Vict.:<br>c. 1 ... ..                                        | Royal Marines Act, 1857                                                                                                                                                  | Rep. ( <i>prosp.</i> ) so far as still in force.                                                                   | 20, s. 5 (2), sch. 4.                                                                       |
| 20 & 21 Vict.:<br>c. 43 ... ..                                  | Summary Jurisdiction Act, 1857.                                                                                                                                          | S. 5 am. (N.I.) ... ..<br>Ss. 8, 10 rep. (N.I.) ... ..                                                             | 8, s. 2 (1).<br>8, s. 6 (3), sch.                                                           |
| 22 Vict.:<br>c. 20 ... ..                                       | Evidence by Commission Act, 1859.                                                                                                                                        | Appl. (mod.) (Muscat) ... ..<br>(Nigeria Protectorate and Cameroons).                                              | S.I. No. 1641, art. 12, sch. 2.<br>S.I. No. 1820, art. 3, sch.                              |
| 22 & 23 Vict.:<br>c. 63 ... ..                                  | British Law Ascertainment Act, 1859.                                                                                                                                     | Appl. (mod.) (Muscat) ... ..<br>(Nigeria Protectorate and Cameroons).                                              | S.I. No. 1641, art. 12, sch. 2.<br>S.I. No. 1820, art. 3, sch.                              |
| 23 & 24 Vict.:<br>c. 4 ... ..<br>c. 106 ... ..<br>c. 122 ... .. | Annual Revision of Rateable Property (Ireland) Amendment Act, 1860.<br>Lands Clauses Consolidation Acts Amendment Act, 1860.<br>Admiralty Offences (Colonial) Act, 1860. | S. 10 am. (transfer of powers).<br>S. 12 rep. ... ..<br>Incorp. (mod.) (S.) ... ..<br>Appl. (mod.) (Muscat) ... .. | 8, s. 2 (1) (b).<br>8, s. 6 (3), sch.<br>21, s. 32 (1).<br>S.I. No. 1641, art. 12, sch. 2.  |
| 24 & 25 Vict.:<br>c. 11 ... ..                                  | Foreign Law Ascertainment Act, 1861.                                                                                                                                     | Appl. (mod.) (Muscat) ... ..<br>(Nigeria Protectorate and Cameroons).                                              | S.I. No. 1641, art. 12, sch. 2.<br>S.I. No. 1820, art. 3, sch.                              |

| Session and Chap. or No. of Measure | Short title or Subject                                        | How affected                                                                                                                                                                                                                                                                                                                             | Chapter of 1955 Act or number of Measure or Statutory Instrument                                                                                                                                                                                           |
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| 25 & 26 Vict.:<br>c. 54 ... ..      | Lunacy (Scotland) Act, 1862.                                  | Ss. 14, 15 appl. ( <i>prosp.</i> )                                                                                                                                                                                                                                                                                                       | 18, s. 16 (4).<br>19, s. 16 (4).                                                                                                                                                                                                                           |
| 29 & 30 Vict.:<br>c. 11 ... ..      | National Debt Reduction Act, 1866.                            | S. 3 rep. ... ..                                                                                                                                                                                                                                                                                                                         | 6 (4 Eliz. 2), s. 5 (15), sch. 2, Pt. III.                                                                                                                                                                                                                 |
| c. 23 ... ..                        | Isle of Man Customs, Harbours, and Public Purposes Act, 1866. | Excl. ... ..                                                                                                                                                                                                                                                                                                                             | 17, s. 2.                                                                                                                                                                                                                                                  |
| c. 109 ... ..                       | Naval Discipline Act                                          | S. 81 subst. ( <i>prosp.</i> ) ...<br>S. 85 rep. in pt. ( <i>prosp.</i> )...<br>S. 86 am. ( <i>prosp.</i> ) ...<br>S. 87 am. ( <i>prosp.</i> ), s. 87 (2) (3) added ( <i>prosp.</i> )<br>S. 90A subst. ( <i>prosp.</i> ) ...<br>Ss. 90AA, 90AB added ( <i>prosp.</i> )<br>Sch. rep. ( <i>prosp.</i> ) ...<br>added ( <i>prosp.</i> ) ... | 20, s. 3, sch. 2, para. 1 (1).<br>20, s. 5 (2), sch. 4.<br>20, s. 3, sch. 2, para. 1 (2).<br>20, s. 3, sch. 2, para. 1 (3).<br>20, s. 3, sch. 2, para. 1 (4).<br>20, s. 3, sch. 2, para. 1 (5).<br>20, s. 5 (2), sch. 4.<br>20, s. 3, sch. 2, para. 1 (6). |
| 31 & 32 Vict.:<br>c. 24 ... ..      | Capital Punishment Amendment Act, 1868.                       | Appl. (mod.) ( <i>prosp.</i> )                                                                                                                                                                                                                                                                                                           | 18, s. 125 (2).<br>19, s. 125 (2).                                                                                                                                                                                                                         |
| c. 100 ... ..                       | Court of Session Act, 1868.                                   | S. 5 appl. (mod.) ( <i>prosp.</i> )<br>S. 91 appl. (South of Scotland Electricity Board)                                                                                                                                                                                                                                                 | 18, s. 128 (1).<br>19, s. 128 (1).<br>S.I. No. 1752, reg. 43 (2).                                                                                                                                                                                          |
| 32 & 33 Vict.:<br>c. 40 ... ..      | Sunday and Ragged Schools (Exemption from Rating) Act, 1869.  | S. 1 proviso rep. (E.) ...                                                                                                                                                                                                                                                                                                               | 9 (4 Eliz. 2), s. 15, sch. 8, Pt. II.                                                                                                                                                                                                                      |
| c. 41 ... ..                        | Poor Rate Assessment and Collection Act, 1869.                | S. 19 excl. ... ..<br>am. ... ..                                                                                                                                                                                                                                                                                                         | 9 (4 Eliz. 2), s. 4 (4).<br>9 (4 Eliz. 2), s. 15, sch. 7, Pt. II.                                                                                                                                                                                          |
| c. 67. ... ..                       | Valuation (Metropolis) Act, 1869.                             | Ss. 4 in pt., 51 in pt., 52, sch. 3, rep.                                                                                                                                                                                                                                                                                                | 9 (4 Eliz. 2), s. 15, sch. 8, Pt. II.                                                                                                                                                                                                                      |
| 33 & 34 Vict.:<br>c. 71 ... ..      | National Debt Act, 1870                                       | Pt. VII (ss. 51-68), except ss. 63, 65, cont. (B of I).<br>Ss. 51-53, 61-2 rep. (Bank of England).<br>Ss. 63, 65 rep. ... ..                                                                                                                                                                                                             | 6 (4 Eliz. 2), s. 5 (11).<br>6 (4 Eliz. 2), s. 5 (15), sch. 2, Pt. III.<br>6 (4 Eliz. 2), s. 5 (15), sch. 2, Pt. III.                                                                                                                                      |
| 34 & 35 Vict.:<br>c. 36 ... ..      | Pensions Commutation Act, 1871.                               | Ss. 6 appl., 8 appl. (mod.)                                                                                                                                                                                                                                                                                                              | 22, s. 1 (1), proviso.                                                                                                                                                                                                                                     |
| 39 & 40 Vict.:<br>c. 22 ... ..      | Trade Union Act Amendment Act, 1876.                          | S. 10 am. (E.) (S.) ...                                                                                                                                                                                                                                                                                                                  | 19 (4 Eliz. 2), s. 5 (1).                                                                                                                                                                                                                                  |

| Session and Chap. or No. of Measure | Short title or Subject                                 | How affected                                                                                                     | Chapter of 1955 Act or number of Measure or Statutory Instrument                                |
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| 40 & 41 Vict.:                      |                                                        |                                                                                                                  |                                                                                                 |
| c. 2 ... ..                         | Treasury Bills Act, 1877                               | S. 6 excl. ...                                                                                                   | } 3, s. 3 (2).<br>16, s. 2 (2).<br>3 (4 Eliz. 2), s. 2 (2).                                     |
| 41 & 42 Vict.:                      |                                                        |                                                                                                                  |                                                                                                 |
| c. 51 ... ..                        | Roads and Bridges Act, 1878.                           | S. 88. Functions of Min. of Tpt. retrans. to Secy. of State.                                                     | S.I. No. 1955.                                                                                  |
| 42 & 43 Vict.:                      |                                                        |                                                                                                                  |                                                                                                 |
| c. 11 ... ..                        | Bankers' Books Evidence Act, 1879.                     | S. 9 (meaning of "banker") appl.                                                                                 | S.I. No. 1752 reg. 41 (1).                                                                      |
| 43 & 44 Vict.:                      |                                                        |                                                                                                                  |                                                                                                 |
| c. 47 ... ..                        | Ground Game Act, 1880                                  | Mod. (S.) ... ..                                                                                                 | 21, s. 27 (5).                                                                                  |
| 44 & 45 Vict.:                      |                                                        |                                                                                                                  |                                                                                                 |
| c. 58 ... ..                        | Army Act ... ..                                        | Cont. until end of 1956...<br>Ss. 174, 174A replaced with permanent effect ( <i>prosp.</i> )                     | 20, s. 1.<br>20, s. 4, sch. 3.                                                                  |
| c. 69 ... ..                        | Fugitive Offenders Act, 1881.                          | Appl. (mod.) (Muscat)...                                                                                         | S.I. No. 1641, art. 12, sch. 2.                                                                 |
| 45 & 46 Vict.:                      |                                                        |                                                                                                                  |                                                                                                 |
| c. 7 ... ..                         | Army (Annual) Act, 1882                                | Rep. ( <i>prosp.</i> ) so far as still in force.                                                                 | 20, s. 5 (1).                                                                                   |
| 46 & 47 Vict.:                      |                                                        |                                                                                                                  |                                                                                                 |
| c. 6 ... ..                         | Army (Annual) Act, 1883                                | Rep. ( <i>prosp.</i> ) so far as still in force.                                                                 | 20, s. 5 (1).                                                                                   |
| c. 47 ... ..                        | Provident Nominations and Small Intestacies Act, 1883. | S. 3 superseded in pt. (E.) (S.).<br>S. 10 rep. (E.) (S.) ...                                                    | 19 (4 Eliz. 2), s. 5 (1).<br>19 (4 Eliz. 2), s. 5 (2).                                          |
| 47 & 48 Vict.:                      |                                                        |                                                                                                                  |                                                                                                 |
| c. 8 ... ..                         | Army (Annual) Act, 1884                                | Rep. ( <i>prosp.</i> ) so far as still in force.                                                                 | 20, s. 5 (1).                                                                                   |
| c. 31 ... ..                        | Colonial Prisoners Removal Act, 1884.                  | Appl. (mod.) (Muscat)...                                                                                         | S.I. No. 1641, art. 12, sch. 2.                                                                 |
| c. 46 ... ..                        | Naval Enlistment Act, 1884.                            | S. 16 (1) rep. ( <i>prosp.</i> ) ...<br>S. 3 subst. ( <i>prosp.</i> ) ...                                        | 20, s. 5 (2), sch. 4.<br>20, s. 3, sch. 2 para. 2.                                              |
| c. 55 ... ..                        | Pensions and Yeomanry Pay Act, 1884.                   | S. 3 (2) rep. ( <i>prosp.</i> ) ...                                                                              | 20, s. 5 (2), sch. 4.                                                                           |
| 48 & 49 Vict.:                      |                                                        |                                                                                                                  |                                                                                                 |
| c. 8 ... ..                         | Army (Annual) Act, 1885                                | Rep. ( <i>prosp.</i> ) so far as still in force.                                                                 | 20, s. 5 (1).                                                                                   |
| c. 74 ... ..                        | Evidence by Commission Act, 1885.                      | Appl. (mod.) (Muscat) ... ..<br><br>(Nigeria Protectorate and Cameroons).                                        | S.I. No. 1641, art. 12, sch. 2.<br>S.I. No. 1820, art. 3, sch.                                  |
| 49 & 50 Vict.:                      |                                                        |                                                                                                                  |                                                                                                 |
| c. 29 ... ..                        | Crofters Holdings (Scotland) Act, 1886.                | Appl. in pt. (mods.) ...<br>Ss. 1-10, 12, 16, 19, 20 restr.<br>S. 27 appl. ... ..<br>Ss. 31, 34, sch. restr. ... | 21, s. 34 (1).<br>21, s. 38 (3), sch. 6 Pt. I.<br>21, s. 2 (3).<br>21, s. 38 (3), sch. 6 Pt. I. |



| Session and Chap. or No. of Measure | Short title or Subject                               | How affected                                                                          | Chapter of 1955 Act or number of Measure or Statutory Instrument                                                              |
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| 50 & 51 Vict.:                      |                                                      |                                                                                       |                                                                                                                               |
| c. 2 ... ..                         | Army (Annual) Act, 1887                              | Rep. ( <i>prosp.</i> ) so far as still in force.                                      | 20, s. 5 (1).                                                                                                                 |
| c. 5 ... ..                         | Ile of Man (Customs) Act, 1887.                      | S. 2 am. ... ..                                                                       | 17, s. 1 (2).                                                                                                                 |
| c. 16 ... ..                        | National Debt and Local Loans Act, 1887.             | Appl. ... ..                                                                          | 9, s. 1 (2).                                                                                                                  |
| c. 24 ... ..                        | Crofters Holdings (Scotland) Act, 1887.              | Restr. ... ..                                                                         | 21, s. 38 (3), sch. 6 Pt. I.                                                                                                  |
| c. 42 ... ..                        | Public Libraries Consolidation (Scotland) Act, 1887. | S. 14 am. ... ..<br>S. 21 ext. ... ..                                                 | 27, s. 1 (2).<br>27, s. 4.                                                                                                    |
| c. 71 ... ..                        | Coroners Act, 1887 ...                               | Appl. ( <i>prosp.</i> ) ...                                                           | { 18, s. 128 (2).<br>19, s. 128 (2).                                                                                          |
| 51 & 52 Vict.:                      |                                                      |                                                                                       |                                                                                                                               |
| c. 4 ... ..                         | Army Annual Act, 1888                                | Rep. ( <i>prosp.</i> ) so far as still in force.                                      | 20, s. 5 (1).                                                                                                                 |
| c. 31 ... ..                        | National Defence Act, 1888.                          | S. 5 rep. ( <i>prosp.</i> ) ...                                                       | 20, s. 5 (2), sch. 4.                                                                                                         |
| 52 & 53 Vict.:                      |                                                      |                                                                                       |                                                                                                                               |
| c. 3 ... ..                         | Army (Annual) Act, 1889                              | Rep. ( <i>prosp.</i> ) so far as still in force.                                      | 20, s. 5 (1).                                                                                                                 |
| c. 30 ... ..                        | Board of Agriculture Act, 1889.                      | S. 5 ext. ... ..                                                                      | 16 (4 Eliz. 2), s. 34.                                                                                                        |
| c. 63 ... ..                        | Interpretation Act, 1889                             | S. 38 saved ... ..<br><br>appl. (E.) ... ..<br>saved (E.) ... ..<br>saved (S.) ... .. | C.A.M. No. 1 (4 Eliz. 2), s. 4 (1) proviso.<br>16 (4 Eliz. 2), s. 17 (3).<br>S.I. No. 1084, reg. 3.<br>S.I. No. 1143, reg. 3. |
|                                     |                                                      | S. 38 (2) appl. ( <i>prosp.</i> )                                                     | { 20, s. 2, sch. 1 para. 4.<br>28, s. 5 (5).                                                                                  |
| 53 & 54 Vict.:                      |                                                      |                                                                                       |                                                                                                                               |
| c. 4 ... ..                         | Army (Annual) Act, 1890                              | Rep. ( <i>prosp.</i> ) so far as still in force.                                      | 20, s. 5 (1).                                                                                                                 |
| c. 5 ... ..                         | Lunacy Act, 1890 ...                                 | S. 16 appl. ( <i>prosp.</i> )                                                         | { 18, s. 16 (4).<br>19, s. 16 (4).                                                                                            |
| c. 37 ... ..                        | Foreign Jurisdiction Act, 1890.                      | Sch. 1 am. ... ..                                                                     | 25, s. 17 (2).                                                                                                                |
| c. 42 ... ..                        | Reserve Forces Act, 1890                             | Rep. ( <i>prosp.</i> ) so far as still in force.                                      | 20, s. 5 (2), sch. 4.                                                                                                         |
| 54 & 55 Vict.:                      |                                                      |                                                                                       |                                                                                                                               |
| c. 5 ... ..                         | Army (Annual) Act, 1891                              | Rep. ( <i>prosp.</i> ) so far as still in force.                                      | 20, s. 5 (1).                                                                                                                 |
| c. 24 ... ..                        | Public Accounts and Charges Act, 1891.               | S. 2 ext. ... ..                                                                      | { 16, s. 3.<br>3 (4 Eliz. 2), s. 3.                                                                                           |
| c. 41 ... ..                        | Crofters Common Grazings Regulation Act, 1891.       | Restr. ... ..                                                                         | 21, s. 38 (3), sch. 6 Pt. I.                                                                                                  |
| c. 43 ... ..                        | Forged Transfers Act, 1891.                          | S. 1 (except subs. (3)) appl. (South of Scotland Electricity Board).                  | S.I. No. 1752, reg. 41 (2).                                                                                                   |

| Session and Chap. or No. of Measure | Short title or Subject                                  | How affected                                                                                                   | Chapter of 1955 Act or number of Measure or Statutory Instrument                             |
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| 55 & 56 Vict.:<br>c. 2 ... ..       | Army (Annual) Act, 1892                                 | Rep. ( <i>prosp.</i> ) so far as still in force.                                                               | 20, s. 5 (1).                                                                                |
| c. 12 ... ..                        | Roads and Bridges (Scotland) Amendment Act, 1892.       | S. 5. Functions of Min. of Transport trans. to Secy. of State.                                                 | S.I. No. 1955.                                                                               |
| c. 39 ... ..                        | National Debt (Stockholders Relief) Act, 1892.          | S. 1 rep. ... ..                                                                                               | 6 (4 Eliz. 2), s. 5 (15), sch. 2 Pt. III.                                                    |
| 56 & 57 Vict.:<br>c. 4 ... ..       | Army (Annual) Act, 1893                                 | Rep. ( <i>prosp.</i> ) so far as still in force.                                                               | 20, s. 5 (1).                                                                                |
| c. 5 ... ..                         | Regimental Debts Act, 1893.                             | Ss. 11 and 23 rep. in pt. ( <i>prosp.</i> ).                                                                   | 20, s. 5 (2), sch. 4.                                                                        |
| c. 66 ... ..                        | Rules Publication Act, 1893.                            | S. 29 am. ( <i>prosp.</i> ) ...                                                                                | 20, s. 3, sch. 2 para. 3.                                                                    |
| 57 & 58 Vict.:<br>c. 3 ... ..       | Rules Publication Act, 1893.                            | Rep. so far as unrep. ...                                                                                      | 8, s. 6 (3), sch.                                                                            |
| c. 14 ... ..                        | Army (Annual) Act, 1894                                 | Rep. ( <i>prosp.</i> ) so far as still in force.                                                               | 20, s. 5 (1).                                                                                |
| c. 45 ... ..                        | Fishery Board (Scotland) Extension of Powers Act, 1894. | Rep. ... ..                                                                                                    | 7, s. 7 (4), sch.                                                                            |
| c. 60 ... ..                        | Uniforms Act, 1894 ...                                  | S. 4 rep. in pt. ( <i>prosp.</i> )...                                                                          | 20, ss. 3, 5 (2), sch. 2 para. 4, sch. 4.                                                    |
| 58 & 59 Vict.:<br>c. 7 ... ..       | Merchant Shipping Act, 1894.                            | Power to appl. (mods.)... Pt. XIII appl. (mod.) (Muscat.).                                                     | 25, s. 18 (2).                                                                               |
| c. 42 ... ..                        | Sea Fisheries Regulation (Scotland) Act, 1895.          | S. 59 (2) appl. ... .. S. 238 appl. (United States of Mexico). Ss. 530-534 restr. ... S. 729 appl. (mods.) ... | S.I. No. 1641, art. 12, sch. 2. S.I. No. 708. S.I. No. 426. S.I. No. 708. 25, s. 11 (3)-(5). |
| 59 & 60 Vict.:<br>c. 25 ... ..      | Friendly Societies Act, 1896.                           | Rep. ( <i>prosp.</i> ) so far as still in force.                                                               | 20, s. 5 (1).                                                                                |
|                                     |                                                         | S. 27 rep. ... ..                                                                                              | 7, s. 7 (4), sch.                                                                            |
|                                     |                                                         | S. 8 (1) (c) (d) am. (exc. N.I.).                                                                              | 19 (4 Eliz. 2), s. 3 (1).                                                                    |
|                                     |                                                         | S. 8 (4A) added (exc. N.I.)                                                                                    | 19 (4 Eliz. 2), s. 4 (1).                                                                    |
|                                     |                                                         | S. 22 saved (exc. N.I.) ...                                                                                    | 19 (4 Eliz. 2), s. 1 (5).                                                                    |
|                                     |                                                         | S. 28 (4) am. (exc. N.I.) ...                                                                                  | 19 (4 Eliz. 2), s. 4 (2).                                                                    |
|                                     |                                                         | S. 38 a.m. (exc. N.I.) ...                                                                                     | 19 (4 Eliz. 2), s. 8.                                                                        |
|                                     |                                                         | S. 44 (1) (g) added (exc. N.I.).                                                                               | 19 (4 Eliz. 2), s. 2 (1).                                                                    |
|                                     |                                                         | S. 56 (1) am. (exc. N.I.) ...                                                                                  | 19 (4 Eliz. 2), ss. 4 (2), 5 (1).                                                            |
|                                     |                                                         | S. 57 (1) am. (exc. N.I.) ...                                                                                  | 19 (4 Eliz. 2), s. 5 (1).                                                                    |
|                                     |                                                         | S. 59 rep. (exc. N.I.) ...                                                                                     | 19 (4 Eliz. 2), s. 5 (2).                                                                    |
|                                     |                                                         | S. 62 expld. (exc. N.I.) ...                                                                                   | 19 (4 Eliz. 2), s. 3 (2).                                                                    |

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| 59 & 60 Vict.:<br>c. 25— <i>cont.</i> | Friendly Societies Act, 1896— <i>cont.</i>       | Ss. 63–66 excl. (exc. N.I.)<br>S. 68 appl. (mods) (exc. N.I.).<br>S. 96 (2) am. (exc. N.I.) ...<br>Sch. 2. Power to adapt (exc. N.I.).<br>Sch. 2 Pt. I am. (exc. N.I.) | 19 (4 Eliz. 2), s. 3 (2).<br>19 (4 Eliz. 2), s. 1 (4).<br>19 (4 Eliz. 2), s. 4 (2).<br>19 (4 Eliz. 2), s. 3 (5).<br>19 (4 Eliz. 2), s. 4 (2). |
| c. 42 ... ..                          | Public Works Loans Act, 1896.                    | S. 3 rep. ... ..                                                                                                                                                       | 7, s. 7 (4), sch.                                                                                                                             |
| 60 & 61 Vict.:<br>c. 17 ... ..        | Supreme Court of Judicature (Ireland) Act, 1897. | Sch. rep. in pt. ... ..                                                                                                                                                | 8, s. 6 (3), sch.                                                                                                                             |
| c. 53 ... ..                          | Congested Districts (Scotland) Act, 1897.        | S. 4 (1) ext. ... ..                                                                                                                                                   | 21, s. 22 (6).                                                                                                                                |
| 61 & 62 Vict.:<br>c. 1 ... ..         | Army (Annual) Act, 1898                          | Rep. ( <i>prosp.</i> ) so far as still in force.                                                                                                                       | 20, s. 5 (1).                                                                                                                                 |
| c. 36 ... ..                          | Criminal Evidence Act, 1898.                     | S. 6 (1) am. ( <i>prosp.</i> ) ...<br>S. 6 (2) rep. ( <i>prosp.</i> ) ...                                                                                              | 20, s. 3, sch. 2, para. 5.<br>20, ss. 3, 5 (2), sch. 2, para. 5, sch. 4.                                                                      |
| 62 & 63 Vict.:<br>c. 3 ... ..         | Army (Annual) Act, 1899                          | Rep. ( <i>prosp.</i> ) so far as still in force.                                                                                                                       | 20, s. 5 (1).                                                                                                                                 |
| 63 & 64 Vict.:<br>c. 5 ... ..         | Army (Annual) Act, 1900                          | Rep. ( <i>prosp.</i> ) so far as still in force.                                                                                                                       | 20, s. 5 (1).                                                                                                                                 |
| 1 Edw. 7:<br>c. 2 ... ..              | Army (Annual) Act, 1901                          | Rep. ( <i>prosp.</i> ) so far as still in force.                                                                                                                       | 20, s. 5 (1).                                                                                                                                 |
| 4 Edw. 7:<br>c. 5 ... ..              | Army (Annual) Act, 1904                          | Rep. ( <i>prosp.</i> ) so far as still in force.                                                                                                                       | 20, s. 5 (1).                                                                                                                                 |
| 6 Edw. 7:<br>c. 2 ... ..              | Army (Annual) Act, 1906                          | Rep. ( <i>prosp.</i> ) so far as still in force.                                                                                                                       | 20, s. 5 (1).                                                                                                                                 |
| 7 Edw. 7:<br>c. 2 ... ..              | Army (Annual) Act, 1907                          | Rep. ( <i>prosp.</i> ) so far as still in force.                                                                                                                       | 20, s. 5 (1).                                                                                                                                 |
| 8 Edw. 7:<br>c. 2 ... ..              | Army (Annual) Act, 1908                          | Rep. ( <i>prosp.</i> ) so far as still in force.                                                                                                                       | 20, s. 5 (1).                                                                                                                                 |
| c. 50 ... ..                          | Crofters Common Grazings Regulation Act, 1908.   | Restr. ... ..                                                                                                                                                          | 21, s. 38 (3), sch. 6, Pt. I.                                                                                                                 |
| c. 57 ... ..                          | Coal Mines Regulation Act, 1908.                 | Ss. 1, 3 susp. (coal mines) ( <i>temp.</i> ).                                                                                                                          | S.I. No. 549.                                                                                                                                 |
| 9 Edw. 7:<br>c. 3 ... ..              | Army (Annual) Act, 1909                          | Rep. ( <i>prosp.</i> ) so far as still in force.                                                                                                                       | 20, s. 5 (1).                                                                                                                                 |
| c. 30 ... ..                          | Cinematograph Act, 1909                          | Ss. 4, 7 (4) saved (E.) ...<br>saved (S.) ...                                                                                                                          | S.I. No. 1129.<br>S.I. No. 1125.                                                                                                              |

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| 9 Edw. 7:<br>c. 47 ... ..               | Development and Road Improvement Funds Act, 1909.    | Pt. I restr. ... ..<br>Pt. II. Scottish functions of Min. of Transport trans. to Secy. of State.<br>S. 1 (1) (e) rep. ... ..                                            | 7, s. 3 (1).<br>S.I. No. 1955.<br><br>7, s. 7 (4), sch.                                                                                                                                                                         |
| 10 Edw. 7 &<br>1 Geo. 5:<br>c. 6 ... .. | Army (Annual) Act, 1910                              | Rep. ( <i>prosp.</i> ) so far as still in force.                                                                                                                        | 20, s. 5 (1).                                                                                                                                                                                                                   |
| 1 & 2 Geo. 5:<br>c. 3 ... ..            | Army (Annual) Act, 1911                              | Rep. ( <i>prosp.</i> ) so far as still in force.                                                                                                                        | 20, s. 5 (1).                                                                                                                                                                                                                   |
| c. 6 ... ..                             | Perjury Act, 1911 ...                                | S. 1 (4) appl. ... ..                                                                                                                                                   | 2 (4 Eliz. 2), s. 1 (3).                                                                                                                                                                                                        |
| c. 10 ... ..                            | Intestate Husband's Estate (Scotland) Act, 1911.     | Appl. ... ..                                                                                                                                                            | 21, s. 11 (8).                                                                                                                                                                                                                  |
| c. 49 ... ..                            | Small Landholders (Scotland) Act, 1911.              | Ss. 1, 2 restr. ... ..<br>S. 7 mod. ... ..<br>Ss. 8-10, 12-15, 17-24, restr.<br>S. 26 mod. ... ..<br>S. 27 rep. ... ..<br>S. 31 mod. ... ..<br>Ss. 32, 33 restr. ... .. | 21, s. 38 (3), sch. 6 Pt. I.<br>21, s. 38 (4), sch. 6 Pt. II.<br>21, s. 38 (3), sch. 6 Pt. I.<br>21, s. 38 (4), sch. 6 Pt. II.<br>21, s. 38 (3), sch. 6 Pt. I.<br>21, s. 38 (4), sch. 6 Pt. II.<br>21, s. 38 (3), sch. 6 Pt. I. |
| 2 & 3 Geo. 5:<br>c. 5 ... ..            | Army (Annual) Act, 1912                              | Rep. ( <i>prosp.</i> ) so far as still in force.                                                                                                                        | 20, s. 5 (1).                                                                                                                                                                                                                   |
| 3 & 4 Geo. 5:<br>c. 2 ... ..            | Army (Annual) Act, 1913                              | Rep. ( <i>prosp.</i> ) so far as still in force.                                                                                                                        | 20, s. 5 (1).                                                                                                                                                                                                                   |
| 4 & 5 Geo. 5:<br>c. 2 ... ..            | Army (Annual) Act, 1914                              | Rep. ( <i>prosp.</i> ) so far as still in force.                                                                                                                        | 20, s. 5 (1).                                                                                                                                                                                                                   |
| c. 26 ... ..                            | Army (Supply of Food, Forage, and Stores) Act, 1914. | Rep. ( <i>prosp.</i> ) ... ..                                                                                                                                           | 20, s. 5 (2), sch. 4.                                                                                                                                                                                                           |
| c. 70 ... ..                            | Naval Billeting, &c., Act, 1914.                     | S. 1 (1) am. ( <i>prosp.</i> ) ... ..<br>S. 1 (2) rep. ( <i>prosp.</i> ) ... ..                                                                                         | 20, s. 3, sch. 2 para. 6.<br>20, ss. 3, 5 (2), sch. 2 para. 6, sch. 4.                                                                                                                                                          |
| c. 89 .. ..                             | Navy (Pledging of Certificates, &c.) Act, 1914.      | S. 1 subst. ( <i>prosp.</i> ) ... ..                                                                                                                                    | 20, s. 3, sch. 2 para. 7.                                                                                                                                                                                                       |
| 5 & 6 Geo. 5:<br>c. 26 ... ..           | Army (Amendment) Act, 1915.                          | Rep. ( <i>prosp.</i> ) so far as still in force.                                                                                                                        | 20, s. 5 (2), sch. 4.                                                                                                                                                                                                           |
| c. 58 ... ..                            | Army (Amendment) No. 2 Act, 1915.                    | Rep. ( <i>prosp.</i> ) so far as still in force.                                                                                                                        | 20, s. 5 (2), sch. 4.                                                                                                                                                                                                           |
| c. 93 ... ..                            | War Loan (Supplemental Provisions) Act, 1915.        | S. 1 (3) am. ... ..                                                                                                                                                     | 6 (4 Eliz. 2), s. 5 (12).                                                                                                                                                                                                       |
| 7 & 8 Geo. 5:<br>c. 9 ... ..            | Army (Annual) Act, 1917                              | Rep. ( <i>prosp.</i> ) so far as still in force.                                                                                                                        | 20, s. 5 (1).                                                                                                                                                                                                                   |

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| 7 & 8 Geo. 5:<br>c. 51 ... ..       | Air Force (Constitution) Act, 1917.                              | Ss. 7 in pt., 12, sch. 1 Pt. II, sch. 2 rep. ( <i>prosp.</i> ).                                                                                                                                                                                                                                                                                                                                                                         | 20, s. 5 (2), sch. 4.                                                                             |
| —                                   | Air Force Act ... ..                                             | Cont. until end of 1956... Ss. 174, 174A replaced with permanent effect ( <i>prosp.</i> ).                                                                                                                                                                                                                                                                                                                                              | 20, s. 1.<br>20, s. 4, sch. 3.                                                                    |
| 8 & 9 Geo. 5:<br>c. 6 ... ..        | Army (Annual) Act, 1918                                          | Rep. ( <i>prosp.</i> ) so far as still in force.                                                                                                                                                                                                                                                                                                                                                                                        | 20, s. 5 (1).                                                                                     |
| 9 & 10 Geo. 5:<br>c. 9 ... ..       | Intestate Husband's Estate (Scotland) Act, 1919.                 | Appl. ... ..                                                                                                                                                                                                                                                                                                                                                                                                                            | 21, s. 11 (8).                                                                                    |
| c. 11 ... ..                        | Army (Annual) Act, 1919                                          | Rep. ( <i>prosp.</i> ) so far as still in force.                                                                                                                                                                                                                                                                                                                                                                                        | 20, s. 5 (1).                                                                                     |
| s. 50 ... ..                        | Ministry of Transport Act, 1919.                                 | S. 2. Certain Scottish functions of M/Tpt. trans. to S/State ...<br>S. 11. Scottish functions of M/Tpt. trans. to S/State ...<br>S. 17 (1). Certain Scottish functions of M/Tpt. trans. to S/State ...<br>S. 17 (1) rep. in pt. ...<br>S. 17 (2). Scottish functions of M/Tpt. trans. to S/State ...<br>S. 20. Certain Scottish functions of M/Tpt. trans. to S/State ...<br>Sch. 2. Scottish functions of M/Tpt. trans. to S/State ... | } S.I. No. 1955.<br><br>} 7, s. 7 (4), sch.<br><br>} S.I. No. 1955.                               |
| c. 57 ... ..                        | Acquisition of Land (Assessment of Compensation) Act, 1919.      | Appl. (mods.) (S.) ...<br>S. 5 (2) mod. (S.) ...                                                                                                                                                                                                                                                                                                                                                                                        | 21, s. 32 (1).<br>21, s. 32 (2).                                                                  |
| c. 75 ... ..                        | Ferries (Acquisition by Local Authorities) Act, 1919.            | S. 4 rep. in pt. ( <i>prosp.</i> )...                                                                                                                                                                                                                                                                                                                                                                                                   | 20, ss. 3, 5 (2), sch. 2 para. 8, sch. 4.                                                         |
| c. 92 ... ..                        | Aliens Restriction (Amendment) Act, 1919.                        | S. 1 cont. until 31.12.56                                                                                                                                                                                                                                                                                                                                                                                                               | 22 (4 Eliz. 2), s. 1 (1).                                                                         |
| c. 97 ... ..                        | Land Settlement (Scotland) Act, 1919.                            | S. 6 am. ... ..                                                                                                                                                                                                                                                                                                                                                                                                                         | 18 (4 Eliz. 2), s. 1 (1).                                                                         |
| 10 & 11 Geo. 5:<br>c. 7 ... ..      | Army and Air Force (Annual) Act, 1920.                           | Ss. 12-14, 17, sch. 2 restr.                                                                                                                                                                                                                                                                                                                                                                                                            | 21, s. 38 (3), sch. 6 Pt. I.                                                                      |
| c. 16 ... ..                        | Imperial War Museum Act, 1920.                                   | Rep. ( <i>prosp.</i> ) so far as still in force.<br>S. 2 (e) rep. and superseded.<br>Sch. para. (1) subst. ...<br>Sch. para. (1). Power to am.                                                                                                                                                                                                                                                                                          | 20, s. 5 (1).<br>14, s. 2 (5).<br>14, s. 1 (1).<br>14, s. 1 (2).                                  |
| c. 17 ... ..                        | Increase of Rent and Mortgage Interest (Restrictions) Act, 1920. | Appl. (mod.) (E.) ...<br>S. 2 (1) (c) (d) excl. (E.) ...<br>S. 3 (2) mod. (E.) ...<br>S. 17 (2) appl. (E.) ...                                                                                                                                                                                                                                                                                                                          | 24, s. 4 (2) (b), (3).<br>24, s. 4 (3).<br>9 (4 Eliz. 2), s. 12.<br>24, s. 5 (5).<br>8, ss. 3, 4. |
| c. 67 ... ..                        | Government of Ireland Act, 1920.                                 | Ext. ... ..                                                                                                                                                                                                                                                                                                                                                                                                                             | 18 (4 Eliz. 2), s. 2 (3).                                                                         |

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| 10 & 11 Geo. 5:<br>c. 67— <i>cont.</i> | Government of Ireland Act, 1920— <i>cont.</i>          | S. 4 mod. ...                                                        | 8, s. 5.<br>16 (4 Eliz. 2), s. 134 (2).<br>25, s. 23 (7).<br>16 (4 Eliz. 2), s. 134 (3). |
| c. 72 ...                              | Roads Act, 1920 ...                                    | S. 3 (1)–(3) rep. ...                                                | 8, ss. 1 (2), 6 (3), sch.                                                                |
|                                        |                                                        | S. 3 (4) rep. in pt. ...                                             | 6 (4 Eliz. 2), s. 4 (4), sch. 2 Pt. II.                                                  |
|                                        |                                                        | am. ...                                                              | 6 (4 Eliz. 2), s. 4 (4), sch. 1.                                                         |
|                                        |                                                        | S. 3 (5) rep. ...                                                    | 6 (4 Eliz. 2), s. 4 (3), (4), sch. 2 Pt. II.                                             |
|                                        |                                                        | S.3(6). Scottish functions of Min. of Tpt. trans. to Secy. of State. | S.I. No. 1955.                                                                           |
|                                        |                                                        | S. 3 (6) rep. in pt. ...                                             | 6 (4 Eliz. 2), s. 4 (4), sch. 2 Pt. II.                                                  |
| 11 & 12 Geo. 5:                        | Army and Air Force (Annual) Act, 1921.                 | Rep. ( <i>prosp.</i> ) so far as still in force.                     | 20, s. 5 (1).                                                                            |
| c. 9 ...                               | Police Pensions Act, 1921                              | Ss. 10, 22 (2) saved (E.)<br>saved (S.)                              | S.I. No. 480, reg. 71.<br>S.I. No. 485, reg. 68.                                         |
| c. 31 ...                              | Finance Act, 1921 ...                                  | S. 49 (2) rep. ...                                                   | 6 (4 Eliz. 2), s. 5 (15), sch. 2 Pt. III.                                                |
|                                        |                                                        | Sch. 3 para. 6 rep. (Bank of England) (saving).                      | 6 (4 Eliz. 2), s. 5 (11), (12), (15), sch. 2 Pt. III.                                    |
| c. 32 ...                              | Territorial Army and Militia Act, 1921.                | S. 3, sch. 1 rep. ( <i>prosp.</i> ) ...                              | 20, s. 5 (2), sch. 4.                                                                    |
| 12 & 13 Geo. 5:                        | Army and Air Force (Annual) Act, 1922.                 | Rep. ( <i>prosp.</i> ) so far as still in force.                     | 20, s. 5 (1).                                                                            |
| c. 6 ...                               | Oil in Navigable Waters Act, 1922.                     | Rep. ...                                                             | 25, s. 24 (1).                                                                           |
| c. 39 ...                              | Irish Free State (Consequential Provisions) Act, 1922. | Sch. 1 para. 1 (2) rep. ...                                          | 8, s. 6 (3), sch.                                                                        |
| 13 & 14 Geo. 5:                        | Army and Air Force (Annual) Act, 1923.                 | Rep. ( <i>prosp.</i> ) so far as still in force.                     | 20, s. 5 (1).                                                                            |
| c. 3 ...                               | Industrial Assurance Act, 1923.                        | S. 4 (2) excl. ...                                                   | 19 (4 Eliz. 2), s. 3 (2).                                                                |
| c. 8 ..                                |                                                        | S. 10 (1) restr. ...                                                 | 19 (4 Eliz. 2), s. 6 (1).                                                                |
|                                        |                                                        | S. 10 (2) expld. ...                                                 | 19 (4 Eliz. 2), s. 6 (2).                                                                |
| 14 & 15 Geo. 5:                        | Army and Air Force (Annual) Act, 1924.                 | Rep. ( <i>prosp.</i> ) so far as still in force.                     | 20, s. 5 (1).                                                                            |
| c. 5 ...                               |                                                        |                                                                      |                                                                                          |

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| 14 & 15 Geo. 5:<br>c. 15 ... ..     | Auxiliary Air Force and Air Force Reserve Act, 1924. | S. 3 para. (3) rep. ( <i>prosp.</i> )                                                                     | 20, s. 5 (2), sch. 4.                                            |
| c. 24 ... ..                        | Isle of Man (Customs) Act, 1924.                     | S. 4 cont. ... ..                                                                                         | S.I. No. 1211.                                                   |
| c. 25 ... ..                        | Telegraph (Money) Act, 1924.                         | Rep. ... ..                                                                                               | 14 (4 Eliz. 2), s. 2 (2).                                        |
| c. 27 ... ..                        | Conveyancing (Scotland) Act, 1924.                   | S. 18 appl. ... ..                                                                                        | S.I. No. 1752, reg. 32.                                          |
| c. 34 ... ..                        | London Traffic Act, 1924                             | S. 15 am. ... ..                                                                                          | 6 (4 Eliz. 2), s. 4 (4), schs. 1, 2.                             |
| 15 & 16 Geo. 5:<br>c. 18 ... ..     | Settled Land Act, 1925...                            | S. 113 (3) am. ... ..                                                                                     | 8 (4 Eliz. 2), s. 2 (2), sch. 1 para. 11.                        |
| c. 25 ... ..                        | Army and Air Force (Annual) Act, 1925.               | Rep. ( <i>prosp.</i> ) so far as still in force.                                                          | 20, s. 5 (1).                                                    |
| c. 40 ... ..                        | Valuation (Metropolis) Amendment Act, 1925.          | Rep. ... ..                                                                                               | 9 (4 Eliz. 2), s. 15, sch. 8 Pt. II.                             |
| c. 56 ... ..                        | Isle of Man (Customs) Act, 1925.                     | Ss. 5, 7 as am., cont. ...                                                                                | S.I. No. 1211.                                                   |
| c. 68 ... ..                        | Roads Improvement Act, 1925.                         | Scottish functions of M/Tpt. trans. to S/State<br>S. 5 (8) proviso rep. in pt.<br>S. 8 rep. in pt. ... .. | } S.I. No. 1955.<br>6 (4 Eliz. 2), s. 4 (4), sch. 2 Pt. II.      |
| c. 90 ... ..                        | Rating and Valuation Act, 1925.                      | S. 12 para. (a) rep. ... ..<br>Ss. 2 (5) in pt., 3 rep. ...                                               | S. I. No. 1955.<br>9 (4 Eliz. 2), s. 15, sch. 8 Pt. II.          |
|                                     |                                                      | S. 4 (1) expld. ... ..                                                                                    | 9 (4 Eliz. 2), s. 4 (2), (3).                                    |
|                                     |                                                      | S. 4 (3) rep. ... ..                                                                                      | 9 (4 Eliz. 2), s. 15, sch. 8 Pt. II.                             |
|                                     |                                                      | S. 7 (2) rep. ... ..                                                                                      | 9 (4 Eliz. 2), s. 15, sch. 8.                                    |
|                                     |                                                      | S. 11 (1) (b) appl. (mod.) (temp.) ... ..                                                                 | 9 (4 Eliz. 2), s. 4 (6).                                         |
|                                     |                                                      | S. 22 (1) appl. (London) (mods.) ... ..                                                                   | 9 (4 Eliz. 2), s. 5 (6).                                         |
|                                     |                                                      | S. 22 (1) (a) am. ... ..                                                                                  | 9 (4 Eliz. 2), s. 5 (2), (6), (7).                               |
|                                     |                                                      | S. 22 (4) added ... ..                                                                                    | 9 (4 Eliz. 2), s. 5 (3).                                         |
|                                     |                                                      | appl. (London)                                                                                            | 9 (4 Eliz. 2), s. 5 (6).                                         |
|                                     |                                                      | Ss. 64 (3) (b) am., 64 (3A) added.                                                                        | 9 (4 Eliz. 2), s. 15, sch. 7 Pt. IV.                             |
|                                     |                                                      | S. 69 (2) am. ... ..                                                                                      | 9 (4 Eliz. 2), s. 15, sch. 7 Pt. IV.                             |
|                                     |                                                      | rep. in pt. ... ..                                                                                        | 9 (4 Eliz. 2), s. 15, sch. 8 Pt. II.                             |
|                                     |                                                      | Sch. 2 Pt. I subst. ... ..                                                                                | 9 (4 Eliz. 2), s. 5 (4)-(6), sch. 2.                             |
| 16 & 17 Geo. 5:<br>c. 6 ... ..      | Army and Air Force (Annual) Act, 1926.               | Rep. ( <i>prosp.</i> ) so far as still in force.                                                          | 20, s. 5 (1).                                                    |
| c. 21 ... ..                        | Markets and Fairs (Weighing of Cattle) Act, 1926.    | S. 1 ext. (E. except London).                                                                             | 16 (4 Eliz. 2), s. 56 (2).                                       |
| c. 22 ... ..                        | Finance Act, 1926 ...                                | S. 43 rep. ... ..                                                                                         | 6 (4 Eliz. 2), s. 4 (4), sch. 2 Pt. II.                          |

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| 16 & 17 Geo. 5:                     | Isle of Man (Customs) Act, 1926.                                                                                                                                           | S. 8 cont. ... ..                                                                                                                                                          | S.I. No. 1211.                                                   |
| c. 27 ... ..                        | Sale of Food (Weights and Measures) Act, 1926.                                                                                                                             | S. 10 ext. (E.) ... ..                                                                                                                                                     | 16 (4 Eliz. 2), s. 102.                                          |
| 17 & 18 Geo. 5:                     | Army and Air Force (Annual) Act, 1927.                                                                                                                                     | Rep. ( <i>prosp.</i> ) so far as still in force.                                                                                                                           | 20, s. 5 (1).                                                    |
| c. 7 ... ..                         | Finance Act, 1927 ...                                                                                                                                                      | S. 49 rep. ... ..                                                                                                                                                          | 6 (4 Eliz. 2), s. 4 (4), sch. 2 Pt. II.                          |
| 18 & 19 Geo. 5:                     | Army and Air Force (Annual) Act, 1928.                                                                                                                                     | Rep. ( <i>prosp.</i> ) so far as still in force.                                                                                                                           | 20, s. 5 (1).                                                    |
| c. 7 ... ..                         | Rating and Valuation Act, 1928.                                                                                                                                            | S. 2, sch. 1 rep. ... ..                                                                                                                                                   | 9 (4 Eliz. 2), s. 15, sch. 8 Pt. II.                             |
| c. 8 ... ..                         | Rating and Valuation (Apportionment) Act, 1928.                                                                                                                            | S. 7 (1) (a) rep. ... ..                                                                                                                                                   | 9 (4 Eliz. 2), s. 15, sch. 8 Pt. II.                             |
| c. 44 ... ..                        | Army and Air Force (Annual) Act, 1929.                                                                                                                                     | Rep. ( <i>prosp.</i> ) so far as still in force.                                                                                                                           | 20, s. 5 (1).                                                    |
| 19 & 20 Geo. 5:                     | Industrial Assurance and Friendly Societies Act, 1929.                                                                                                                     | S. 1 expld. ... ..                                                                                                                                                         | 19 (4 Eliz. 2), s. 3 (2).                                        |
| c. 20 ... ..                        | Government Annuities Act, 1929.                                                                                                                                            | S. 5 (2) am. ... ..                                                                                                                                                        | 19 (4 Eliz. 2), s. 3 (3).                                        |
| c. 28 ... ..                        | Bridges Act, 1929 ...                                                                                                                                                      | S. 15 (2) rep. ( <i>saving</i> ) ...                                                                                                                                       | 6 (4 Eliz. 2), s. 5 (15), sch. 2 Pt. III.                        |
| c. 29 ... ..                        | Bridges Act, 1929 ...                                                                                                                                                      | Scottish functions of M/Tpt. trans. to S/State.                                                                                                                            | S.I. No. 1955.                                                   |
| c. 33 ... ..                        | Isle of Man (Customs) Act, 1929.                                                                                                                                           | S. 3 cont. ... ..                                                                                                                                                          | S.I. No. 1211.                                                   |
| 20 & 21 Geo. 5:                     | Army and Air Force (Annual) Act, 1930.                                                                                                                                     | Rep. ( <i>prosp.</i> ) so far as still in force.                                                                                                                           | 20, s. 5 (1).                                                    |
| c. 1 ... ..                         | Road Traffic Act, 1930...                                                                                                                                                  | Ss. 23, 27. Scottish functions of M/Tpt. trans. to S/State.                                                                                                                | } S.I. No. 1955.                                                 |
| c. 22 ... ..                        | S. 30. Certain Scottish functions of M/Tpt. trans. to S/State.                                                                                                             | S. 30. Certain Scottish functions of M/Tpt. trans. to S/State.                                                                                                             | } S.I. No. 1955.                                                 |
| c. 43 ... ..                        | S. 35 excl. ( <i>prosp.</i> ) ...                                                                                                                                          | S. 35 excl. ( <i>prosp.</i> ) ...                                                                                                                                          | } 18, s. 173.<br>19, s. 173.                                     |
|                                     | Ss. 46, 47. Scottish functions of M/Tpt. trans. to S/State.                                                                                                                | Ss. 46, 47. Scottish functions of M/Tpt. trans. to S/State.                                                                                                                | } S.I. No. 1955.                                                 |
|                                     | S. 48 (exc. subs. (1) (2) in pt.). Certain Scottish functions of M/Tpt. trans. to S/State; other Scottish functions of M/Tpt. trans. to S/State and M/Tpt. acting jointly. | S. 48 (exc. subs. (1) (2) in pt.). Certain Scottish functions of M/Tpt. trans. to S/State; other Scottish functions of M/Tpt. trans. to S/State and M/Tpt. acting jointly. | } S.I. No. 1955.                                                 |
|                                     | Ss. 53, 56. Scottish functions of M/Tpt. trans. to S/State.                                                                                                                | Ss. 53, 56. Scottish functions of M/Tpt. trans. to S/State.                                                                                                                | } S.I. No. 1955.                                                 |
|                                     | S. 57. Scottish functions of M/Tpt. trans. to S/State.                                                                                                                     | S. 57. Scottish functions of M/Tpt. trans. to S/State.                                                                                                                     | } S.I. No. 1955.                                                 |



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| 20 & 21 Geo. 5:<br>c. 43— <i>cont.</i>                                                                                         | Road Traffic Act, 1930— <i>cont.</i>                                                                                                                                                                                                                                                                                         | S. 57 (1) subst., 57 (2)—(4A) am.<br>S. 59. Certain Scottish functions of M/Tpt. trans. to S/State; other Scottish functions of M/Tpt. trans. to S/State and M/Tpt. acting jointly.<br>S. 86 (2) am. ... ..<br>S. 115 rep. ... ..<br><br>S. 119. Functions of M/Tpt. trans. to S/State.<br>Sch. 1 am. ... ..<br>Sch. 4 para. 14 (2) am....                 | 6 (4 Eliz. 2), s. 4 (4), sch. 1.<br>S.I. No. 1955.<br><br>6 (4 Eliz. 2), s. 4 (4), sch. 1.<br>6 (4 Eliz. 2), s. 4 (4), sch. 2 Pt. II.<br>S.I. No. 1955.<br>S.I. No. 1880.<br>6 (4 Eliz. 2), s. 4 (4), sch. 1.                                  |
| 21 & 22 Geo. 5:<br>c. 14 ... ..<br>c. 44 ... ..                                                                                | Army and Air Force (Annual) Act, 1931.<br>Small Landholders (Scotland) Act, 1931.                                                                                                                                                                                                                                            | Rep. ( <i>prosp.</i> ) so far as still in force.<br>Ss. 1, 3, 5, 6, 8–14, 18, 22–25 restr.                                                                                                                                                                                                                                                                 | 20, s. 5 (1).<br>21, s. 38 (3), sch. 6 Pt. I.                                                                                                                                                                                                  |
| 22 & 23 Geo. 5:<br>c. 8 ... ..<br><br>c. 18 ... ..<br>c. 22 ... ..<br>c. 37 ... ..<br>c. 41 ... ..                             | Import Duties Act, 1932<br><br>Rating and Valuation Act, 1932.<br>Army and Air Force (Annual) Act, 1932.<br>Solicitors Act, 1932 ...<br>Isle of Man (Customs) (No. 2) Act, 1932.                                                                                                                                             | Sch. 1 am. ... ..<br><br>Rep. ... ..<br>Rep. ( <i>prosp.</i> ) so far as still in force.<br>S. 66 excl. ... ..<br>S. 9 cont. ... ..                                                                                                                                                                                                                        | S.I. Nos. 33, 433, 676, 802, 815, 841, 1031, 1473, 1669, 1982.<br>9 (4 Eliz. 2), s. 15, sch. 8 Pt. II.<br>20, s. 5 (1).<br>S.I. No. 1884, r. 3 (5).<br>S.I. No. 1211.                                                                          |
| 23 & 24 Geo. 5:<br>c. 6 ... ..<br>c. 11 ... ..<br>c. 13 ... ..<br>c. 32 ... ..<br>c. 39 ... ..<br>c. 40 ... ..<br>c. 51 ... .. | Visiting Forces (British Commonwealth) Act, 1933.<br>Army and Air Force (Annual) Act, 1933.<br>Foreign Judgments (Reciprocal Enforcement) Act, 1933.<br>Rent and Mortgage Interest Restrictions (Amendment) Act, 1933.<br>Slaughter of Animals Act, 1933.<br>Isle of Man (Customs) Act, 1933.<br>Local Government Act, 1933. | S. 4 (2) am. ( <i>prosp.</i> ), s. 4 (3) am. ( <i>prosp.</i> ), rep. in pt. ( <i>prosp.</i> ).<br>Rep. ( <i>prosp.</i> ) so far as still in force.<br>Pt. I ext. ... ..<br><br>S. 14 am. (E.) ... ..<br><br>Excl. ... ..<br>S. 4 cont. ... ..<br>Pt. VI excl. ... ..<br><br>S. 150 (2)–(4), (6), sch. 4 appl.<br>Ss. 190 (3) proviso, 244 (2) in pt., rep. | 20, s. 3, sch. 2 para. 9.<br>20, s. 5 (1).<br>S.I. No. 559.<br>9 (4 Eliz. 2), s. 12 (10).<br>16 (4 Eliz. 2), s. 68 (2).<br>S.I. No. 1211.<br>16 (4 Eliz. 2), s. 83 (6).<br>16 (4 Eliz. 2), s. 129 (1).<br>9 (4 Eliz. 2), s. 15, sch. 8 Pt. II. |

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| 23 & 24 Geo. 5:<br>c. 53 ... ..     | Road and Rail Traffic Act, 1933.                                | S. 24 (2) am. ... ..<br>S. 24 (3) rep. ... ..                                                                                                                                                                                                                                                         | 6 (4 Eliz. 2), s. 4 (4), sch. 1.<br>6 (4 Eliz. 2), s. 4 (4), sch. 2 Pt. II.                                                 |
|                                     |                                                                 | Ss. 29, 30. Scottish functions of M/Tpt. trans. to S/State.<br>S. 47. Certain Scottish functions of M/Tpt. trans. to S/State.                                                                                                                                                                         | } S.I. No. 1955.                                                                                                            |
| 24 & 25 Geo. 5:<br>c. 11 ... ..     | Army and Air Force (Annual) Act, 1934.                          | Rep. ( <i>prosp.</i> ) so far as still in force.                                                                                                                                                                                                                                                      | 20, s. 5 (1).                                                                                                               |
| c. 30 ... ..                        | Cotton Manufacturing Industry (Temporary Provisions) Act, 1934. | Ss. 1, 2 cont. until 31.12.56.                                                                                                                                                                                                                                                                        | 22 (4 Eliz. 2), s. 1 (1).                                                                                                   |
| c. 50 ... ..                        | Road Traffic Act, 1934...                                       | S. 1 cont. as amd. until 31.12.56.                                                                                                                                                                                                                                                                    | 22 (4 Eliz. 2), s. 1 (1).                                                                                                   |
|                                     |                                                                 | S. 1 (3). Scottish functions of M/Tpt. trans. to S/State and M/Tpt. acting jointly.<br>S. 1 (4)-(7). Scottish functions of M/Tpt. trans. to S/State.<br>S. 1 (8). Scottish functions of M/Tpt. trans. to S/State and M/Tpt. acting jointly.<br>S. 18. Scottish functions of M/Tpt. trans. to S/State. | } S.I. No. 1955.                                                                                                            |
| c. 53 ... ..                        | County Courts Act, 1934                                         | Ss. 31 (3), 38 (3) am. ...<br>S. 4 (1) proviso ( <i>b</i> ) am.<br>Ss. 40 (1), (2), 41 ( <i>b</i> ) am.                                                                                                                                                                                               | 6 (4 Eliz. 2), s. 4 (4), sch. 1.<br>8 (4 Eliz. 2), s. 9.<br>8 (4 Eliz. 2), s. 1 (1), (4), (5), sch. 1 para. 1 ( <i>a</i> ). |
|                                     |                                                                 | S. 42 subst. ... ..                                                                                                                                                                                                                                                                                   | 8 (4 Eliz. 2), s. 1 (4), (5), sch. 1 para. 2.                                                                               |
|                                     |                                                                 | S. 43 am. ( <i>retrosp.</i> ) ... ..<br>S. 44 subst. ... ..                                                                                                                                                                                                                                           | 8 (4 Eliz. 2), s. 6.<br>8 (4 Eliz. 2), s. 1 (4), (5), sch. 1 para. 3.                                                       |
|                                     |                                                                 | S. 45 (2) am. ... ..                                                                                                                                                                                                                                                                                  | 8 (4 Eliz. 2), s. 1 (4), (5), sch. 1 para. 1 ( <i>b</i> ).                                                                  |
|                                     |                                                                 | S. 47 (1) subst. ... ..                                                                                                                                                                                                                                                                               | 8 (4 Eliz. 2), s. 1 (2), (5).                                                                                               |
|                                     |                                                                 | S. 47 (4) am. ... ..                                                                                                                                                                                                                                                                                  | 8 (4 Eliz. 2), s. 1 (3).                                                                                                    |
|                                     |                                                                 | S. 48 (1) am. ... ..                                                                                                                                                                                                                                                                                  | 8 (4 Eliz. 2), s. 2 (1), (2), sch. 1 para. 4.                                                                               |
|                                     |                                                                 | S. 49 (1) am. ... ..                                                                                                                                                                                                                                                                                  | 8 (4 Eliz. 2), s. 2 (2), sch. 1 para. 5.                                                                                    |

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| 24 & 25 Geo. 5:<br>c. 53— <i>cont.</i> | County Courts Act, 1934<br>— <i>cont.</i>                          | S. 51 subst. ... ..                           | 8 (4 Eliz. 2), s. 2 (1), (2), sch. 1 para. 6.                    |
|                                        |                                                                    | S. 56 (1) proviso am. ... ..                  | 8 (4 Eliz. 2), s. 3 (1).                                         |
|                                        |                                                                    | S. 59 (2) am. ... ..                          | 8 (4 Eliz. 2), s. 3 (2) (a).                                     |
|                                        |                                                                    | appl. (mod.) ... ..                           | 8 (4 Eliz. 2), s. 3 (3).                                         |
|                                        |                                                                    | S. 59 (3) am. ... ..                          | 8 (4 Eliz. 2), s. 3 (2) (b).                                     |
|                                        |                                                                    | appl. (mod.) ... ..                           | 8 (4 Eliz. 2), s. 3 (3).                                         |
|                                        |                                                                    | S. 59 (4) am. ... ..                          | 8 (4 Eliz. 2), s. 3 (2) (a).                                     |
|                                        |                                                                    | appl. (mod.) ... ..                           | 8 (4 Eliz. 2), s. 3 (3).                                         |
|                                        |                                                                    | S. 60 (1) am. ... ..                          | 8 (4 Eliz. 2), s. 4 (3) (a).                                     |
|                                        |                                                                    | S. 60 (2) am. ... ..                          | 8 (4 Eliz. 2), s. 4 (3) (b).                                     |
|                                        |                                                                    | S. 61 am. ... ..                              | 8 (4 Eliz. 2), s. 4 (3) (b).                                     |
|                                        |                                                                    | S. 77 am. ... ..                              | 8 (4 Eliz. 2), s. 1 (4), (5), sch. 1 para. 1 (c).                |
|                                        |                                                                    | S. 99 (3) ext. ... ..                         | 8 (4 Eliz. 2), s. 11.                                            |
|                                        |                                                                    | S. 99 (3) (e) subst. ... ..                   | 8 (4 Eliz. 2), s. 10 (1).                                        |
|                                        |                                                                    | S. 102 (3) (a) am. ... ..                     | 8 (4 Eliz. 2), s. 2 (2), sch. 1 para. 7.                         |
|                                        |                                                                    | S. 103 (2) (a) am. ... ..                     | 8 (4 Eliz. 2), s. 2 (2), sch. 1 para. 8.                         |
|                                        |                                                                    | S. 105 proviso (a) restr. ... ..              | 8 (4 Eliz. 2), s. 12 (9).                                        |
|                                        |                                                                    | S. 106 (1) proviso rep. in pt. and am. ... .. | 8 (4 Eliz. 2), s. 12 (7).                                        |
|                                        |                                                                    | S. 107 saved ... ..                           | 8 (4 Eliz. 2), s. 12 (1).                                        |
|                                        |                                                                    | S. 110 rep. in pt. ... ..                     | 8 (4 Eliz. 2), s. 13 (3), sch. 2 Pt. I.                          |
|                                        |                                                                    | S. 138 (1) am. ... ..                         | 8 (4 Eliz. 2), s. 1 (4), (5), sch. 1 para. 1 (d).                |
| S. 180 (3) am. ... ..                  | 8 (4 Eliz. 2), s. 2 (2), sch. 1 para. 9.                           |                                               |                                                                  |
| S. 184 para. (c) am. ... ..            | 8 (4 Eliz. 2), s. 1 (4), (5), sch. 1 para. 1 (e).                  |                                               |                                                                  |
| Sch. 2 am. ... ..                      | 8 (4 Eliz. 2), ss. 1 (4), (5), 2 (2), sch. 1 paras. 1 (f), 10, 11. |                                               |                                                                  |

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| 25 & 26 Geo. 5:<br>c. 9 ... ..      | Herring Industry Act, 1935.                  | M/Food functions trans. to M/Agric., Fisheries and Food and S/State acting jointly.<br>Ss. 12 (2), 14 (1) rep. in pt.                                                          | S.I. No. 554, sch. 1 Pt. II.<br>S.I. No. 554, sch. 2.                                                                                                                                                                                  |
| c. 17 .. ...                        | Army and Air Force (Annual) Act, 1935.       | Rep. ( <i>prosp.</i> ) so far as still in force.                                                                                                                               | 20, s. 5 (1).                                                                                                                                                                                                                          |
| c. 24 ... ..                        | Finance Act, 1935 ...                        | S. 32 rep. ... ..                                                                                                                                                              | 6 (4 Eliz. 2), s. 4 (4), sch. 2 Pt. II.                                                                                                                                                                                                |
| c. 47 ... ..                        | Restriction of Ribbon Development Act, 1935. | Scottish functions of M/Tpt. trans. to Secy. of State.<br>S. 19 (1) rep. ... ..                                                                                                | S.I. No. 1955.<br>6 (4 Eliz. 2), s. 4 (4), sch. 2 Pt. II.                                                                                                                                                                              |
| 26 Geo. 5 &<br>1 Edw. 8:            |                                              |                                                                                                                                                                                |                                                                                                                                                                                                                                        |
| c. 14 ... ..                        | Army and Air Force (Annual) Act, 1936.       | Rep. ( <i>prosp.</i> ) so far as still in force.                                                                                                                               | 20, s. 5 (1).                                                                                                                                                                                                                          |
| c. 18 ... ..                        | Sugar Industry (Reorganization) Act, 1936.   | M/Food functions trans. to M/Agric., Fisheries and Food and S/State acting jointly.                                                                                            | S.I. No. 554, sch. 1 Pt. II.                                                                                                                                                                                                           |
| c. 34 ... ..                        | Finance Act, 1936 ...                        | S. 33, sch. 3 rep. ...                                                                                                                                                         | 6 (4 Eliz. 2), s. 4 (4), sch. 2 Pt. II.                                                                                                                                                                                                |
| c. 43 ... ..                        | Tithe Act, 1936 ... ..                       | Sch. 5 para. 7 am. ...                                                                                                                                                         | 9 (4 Eliz. 2), s. 15, sch. 7 Pt. IV.                                                                                                                                                                                                   |
| c. 45 ... ..                        | Isle of Man (Customs) Act, 1936.             | S. 3 cont. ... ..                                                                                                                                                              | S.I. No. 1211.                                                                                                                                                                                                                         |
| c. 49 ... ..                        | Public Health Act, 1936...                   | S. 3 ext. ... ..<br>Ss. 6, 8 ext. ... ..<br>S. 9. Power to apply ...<br>Ss. 271-3, 277, 283-6, 289, 303, 304 incorp.<br>S. 311 incorp. ... ..<br>Ss. 317-8, 320-5, 328 incorp. | 16 (4 Eliz. 2), s. 88 (1).<br>16 (4 Eliz. 2), s. 88 (2).<br>16 (4 Eliz. 2), s. 88 (3).<br>16 (4 Eliz. 2), s. 131 (1), sch. 9 Pt. I.<br>16 (4 Eliz. 2), ss. 88 (3), 131 (1), sch. 9 Pt. I.<br>16 (4 Eliz. 2), s. 131 (1), sch. 9 Pt. I. |
| c. 50 ... ..                        | Public Health (London) Act, 1936.            | Power to cancel slaughter house or knacker's licence.<br>S. 6 (1) ext. ... ..<br>S. 277 appl. in pt. (mod.)                                                                    | 16 (4 Eliz. 2), ss. 8 (4), 12 (2).<br>16 (4 Eliz. 2), s. 88 (4).<br>16 (4 Eliz. 2), s. 125 (2).                                                                                                                                        |
| c. 51 ... ..                        | Housing Act, 1936 ...                        | Ss. 129 (1), 130 (2) ext. ...<br>Ss. 166-7 appl. ... ..                                                                                                                        | 24, s. 12 (2).<br>24, s. 13 (2).                                                                                                                                                                                                       |

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| 1 Edw. 8 &<br>1 Geo. 6:<br>c. 5 ... .. | Trunk Roads Act, 1936                                                    | Scottish functions of M/<br>Tpt. trans. to Secy. of<br>State.<br>S. 9 (1) rep. in pt. ...           | S.I. No. 1955.<br>6 (4 Eliz. 2),<br>s. 4 (4), sch. 2<br>Pt. II.                                          |
| c. 26 ... ..                           | Army and Air Force<br>(Annual) Act, 1937.                                | S. 12 (17) am. ... ..<br>Rep. ( <i>prosp.</i> ) so far as still<br>in force.                        | S.I. No. 1955.<br>20, s. 5 (1).                                                                          |
| c. 37 ... ..                           | Children and Young<br>Persons (Scotland) Act,<br>Act, 1937.              | S. 51 (3). Rule-making<br>functions of Lord Chan-<br>cellor transd. to S/State.                     | S.I. No. 240.                                                                                            |
| c. 38 ... ..                           | Ministers of the Crown<br>Act, 1937.                                     | Ss. 2 (2), 9 (1) (c) am. ...                                                                        | S.I. No. 554, art.<br>3.                                                                                 |
| c. 60 ... ..                           | Rating and Valuation<br>Act, 1937.                                       | Rep. ... ..                                                                                         | 9 (4 Eliz. 2), s. 15,<br>sch. 8 Pt. II.                                                                  |
| c. 64 ... ..                           | Isle of Man (Customs)<br>Act, 1937.                                      | S. 3 cont. ... ..                                                                                   | S.I. No. 1211.                                                                                           |
| c. 67 ... ..                           | Factories Act, 1937 ...                                                  | Saved ... ..                                                                                        | S.I. No. 1626.                                                                                           |
| c. 68 ... ..                           | Local Government Super-<br>annuation Act, 1937.                          | Ss. 6, 31 expld. ... ..<br>S. 35 ext. ... ..<br>Sch. 2 Pt. I expld. ...                             | S.I. No. 1494,<br>r. 11.<br>S.I. No. 1494,<br>r. 10.<br>S.I. No. 1494,<br>r. 12.                         |
| 1 & 2 Geo. 6:<br>c. 12 ... ..          | Population (Statistics)<br>Act, 1938.                                    | Cont. as amd. until<br>31.12.56.                                                                    | 22 (4 Eliz. 2),<br>s. 1 (1).                                                                             |
| c. 20 ... ..                           | Army and Air Force<br>(Annual) Act, 1938.                                | Rep. ( <i>prosp.</i> ) so far as still<br>in force.                                                 | 20, s. 5 (1).                                                                                            |
| c. 26 ... ..                           | Increase of Rent and<br>Mortgage Interest (Res-<br>trictions) Act, 1938. | S. 7 (4) mod. (E.) ...                                                                              | 9 (4 Eliz. 2),<br>s. 12 (9).                                                                             |
| c. 30 ... ..                           | Sea Fish Industry Act,<br>1938.                                          | S. 56 (1) (c) am. ...                                                                               | 25, s. 12 (6).                                                                                           |
| c. 37 ... ..                           | Street Playgrounds Act,<br>1938.                                         | Scottish functions of M/<br>Tpt. trans. to S/State.                                                 | S.I. No. 1955.                                                                                           |
| c. 42 ... ..                           | Herring Industry Act,<br>1938.                                           | M/Food functions trans.<br>to M/Agric., Fisheries<br>and Food and S/State<br>acting jointly.        | S.I. No. 554, sch.<br>1, Pt. II.                                                                         |
| c. 56 ... ..                           | Food and Drugs Act,<br>1938.                                             | Rep. (E.)... ..                                                                                     | 16 (4 Eliz. 2),<br>ss. 134, 136 (1),<br>schs. 10, 11.                                                    |
| c. 63 ... ..                           | Administration of Justice<br>(Miscellaneous Provi-<br>sions) Act, 1938.  | S. 16 rep. ... ..<br>S. 18, sch. 2 in pt., rep. ...                                                 | 8 (4 Eliz. 2),<br>ss. 1 (1), 13 (3),<br>sch. 2, Pt. I.<br>8 (4 Eliz. 2),<br>s. 13 (3), sch.<br>2, Pt. I. |
| c. 71 ... ..                           | Bacon Industry Act, 1938                                                 | S. 37. M/Food functions<br>trans. to M/Agric.,<br>Fisheries and Food and<br>S/State acting jointly. | S.I. No. 554, sch.<br>1, Pt. II.                                                                         |

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| 2 & 3 Geo. 6:<br>c. 17 ... ..       | Army and Air Force (Annual) Act, 1939.                     | Rep. ( <i>prosp.</i> ) so far as still in force.                                                                           | 20, s. 5 (1).                                                                              |
| c. 31 ... ..                        | Civil Defence Act, 1939                                    | Ss. 8, 59. Scottish functions of M/Tpt. trans. to S/State.                                                                 | S.I. No. 1955.                                                                             |
| c. 75 ... ..                        | Compensation (Defence) Act, 1939.                          | Mod. (E.) ... ..<br>S. 2 excl. (E.) ... ..<br>S. 2 (2) am. (E.) ... ..<br>S. 7 appl. (E.) ... ..<br>appl. (E.) (S.) ... .. | 24, s. 7 (4) (b).<br>24, s. 2 (4).<br>24, s. 2 (3).<br>24, s. 8 (3) (b).<br>24, s. 18 (4). |
| c. 88 ... ..                        | Royal Marines Act, 1939                                    | Rep. ( <i>prosp.</i> ) ... ..                                                                                              | 20, s. 5 (2), sch. 4.<br>5 (4 Eliz. 2),<br>s. 2 (2).                                       |
| c. 117 ... ..                       | National Loans Act, 1939.                                  | Appl. ... ..                                                                                                               | 6 (4 Eliz. 2),<br>s. 2 (2).<br>14 (4 Eliz. 2),<br>s. 1 (2) (3).                            |
| 3 & 4 Geo. 6:<br>c. 18 ... ..       | Army and Air Force (Annual) Act, 1940.                     | Rep. ( <i>prosp.</i> ) so far as still in force.                                                                           | 20, s. 5 (1).                                                                              |
| c. 40 ... ..                        | Colonial Development and Welfare Act, 1940.                | S.1. ext. (New Hebrides)<br>S. 1 (1) proviso superseded.                                                                   | 6, s. 2.<br>6, s. 1.                                                                       |
| c. 42 ... ..                        | Law Reform (Miscellaneous Provisions (Scotland) Act, 1940. | proviso rep. ... ..<br>S. 5 appl. ... ..                                                                                   | 6, s. 3 (3), sch.<br>21, s. 11 (8).                                                        |
| 4 & 5 Geo. 6:<br>c. 17 ... ..       | Army and Air Force (Annual) Act, 1941.                     | Rep. ( <i>prosp.</i> ) so far as still in force.                                                                           | 20, s. 5 (1).                                                                              |
| c. 30 ... ..                        | Finance Act, 1941 ... ..                                   | S. 39 (1) mod. ... ..                                                                                                      | 17 (4 Eliz. 2),<br>s. 2, sch. 2,<br>para. 3 (2).                                           |
| 5 & 6 Geo. 6:<br>c. 15 ... ..       | Army and Air Force (Annual) Act, 1942.                     | Rep. ( <i>prosp.</i> ) so far as still in force.                                                                           | 20, s. 5 (1).                                                                              |
| c. 16 ... ..                        | Sugar Industry Act, 1942                                   | M/Food functions trans. to M/Agric., Fisheries and Food and S/State acting jointly.                                        | S.I. No. 554, sch. 1, Pt. II.                                                              |
| c. 21 ... ..                        | Finance Act, 1942 ... ..                                   | S. 48 (1) rep. in pt. ... ..                                                                                               | 6 (4 Eliz. 2), s. 5 (15), sch. 2, Pt. III.                                                 |
| 6 & 7 Geo. 6:<br>c. 15 ... ..       | Army and Air Force (Annual) Act, 1943.                     | Rep. ( <i>prosp.</i> ) so far as still in force.                                                                           | 20, s. 5 (1).                                                                              |
| c. 21 ... ..                        | War Damage Act, 1943...                                    | S. 71 (5) rep. in pt. ... ..                                                                                               | 6 (4 Eliz. 2),<br>s. 4 (4), sch. 2,<br>Pt. II.                                             |
| c. 44 ... ..                        | Rent of Furnished Houses Control (Scotland) Act, 1943.     | Cont. as amd. until 31.3.57                                                                                                | 22 (4 Eliz. 2),<br>s. 1 (2).                                                               |
| C.A.M. No. 3                        | Diocesan Education Committees Measure, 1943.               | Ss. 1, 2, 4, sch. rep. ... ..                                                                                              | C.A.M. No. 1 (4 Eliz. 2), s. 4 (1).                                                        |

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| 7 & 8 Geo. 6:<br>c. 18 ... ..       | Army and Air Force (Annual) Act, 1944.                 | Rep. ( <i>prosp.</i> ) so far as still in force.                                                                                                                                      | 20, s. 5 (1).                                                                                    |
| c. 21 ... ..                        |                                                        | Power to apply (mods.) Appl. (E.) ... ..                                                                                                                                              | 22, s. 3 (1) (a).<br>S.I. No. 480, reg. 68.                                                      |
|                                     |                                                        | Appl. (S.) ... ..                                                                                                                                                                     | S.I. No. 485, reg. 65.                                                                           |
|                                     |                                                        | Sch. 1, Pt. I am. ... ..<br>am. (S.) ... ..                                                                                                                                           | S.I. No. 1084, reg. 89.<br>S.I. No. 1143, reg. 85.                                               |
| c. 26 ... ..                        | Rural Water Supplies and Sewerage Act, 1944.           | S. 1 am. ... ..<br>S. 1 (2) (3) rep. ... ..<br>S. 1 (5) expld. ... ..<br>am. ... ..                                                                                                   | 13, s. 1 (1) (2).<br>13, s. 1 (1).<br>13, s. 1 (3).<br>15 (4 Eliz. 2), s. 1 (1).                 |
|                                     |                                                        | S. 7 am. ... ..                                                                                                                                                                       | 15 (4 Eliz. 2), s. 1 (2).                                                                        |
| c. 32 ... ..                        | Herring Industry Act, 1944.                            | S. 7 (2) expld. ... ..<br>M/Food functions trans. to M/Agric., Fisheries and Food and S/State acting jointly.                                                                         | 13, s. 1 (3).<br>S.I. No. 554, sch. 1, Pt. II.                                                   |
| c. 36 ... ..                        | Housing (Temporary Accommodation) Act, 1944.           | S. 8 (3) rep., 8 (4) am ...                                                                                                                                                           | 24, s. 15 (5).                                                                                   |
| c. 47 ... ..                        | Town and Country Planning Act, 1944.                   | S. 3 (2) (as applied) rep. in pt.                                                                                                                                                     | 6 (4 Eliz. 2), s. 4 (4), sch. 2, Pt. II.                                                         |
| 8 & 9 Geo. 6:<br>c. 20 '... ..      | Colonial Development and Welfare Act, 1945.            | S. 1 rep. ... ..                                                                                                                                                                      | 6, s. 3 (3), sch.                                                                                |
| c. 22 ... ..                        | Army and Air Force (Annual) Act, 1945.                 | Rep. ( <i>prosp.</i> ) so far as still in force.                                                                                                                                      | 20, s. 5 (1).                                                                                    |
| c. 33 ... ..                        | Town and Country Planning (Scotland) Act, 1945.        | Act, as applied by New Towns Act, 1946. Highway functions trans. to S/State.                                                                                                          | S.I. No. 1955.                                                                                   |
|                                     |                                                        | S. 3 (2) (as applied) rep. in pt.                                                                                                                                                     | 6 (4 Eliz. 2), s. 4 (4), sch. 2, Pt. II.                                                         |
|                                     |                                                        | S. 22 (3). Functions of M/Tpt. trans to S/State.                                                                                                                                      | S.I. No. 1955.                                                                                   |
| c. 43 ... ..                        | Requisitioned Land and War Works Act, 1945.            | Pt. III. Scottish functions of M/Tpt. trans. to S/State.<br>Pt. VI ext. (E.) ( <i>temp.</i> ) ...<br>Pt. VIII ext. (E.) ( <i>temp.</i> ) ...<br>S. 57 (1) (a) in pt., 57 (1) (d) rep. | S.I. No. 1955.<br>24, s. 2 (1).<br>24, s. 2 (1) (2).<br>6 (4 Eliz. 2), s. 4 (4), sch. 2, Pt. II. |
| 9 & 10 Geo. 6:<br>c. 10 ... ..      | Supplies and Services (Transitional Powers) Act, 1945. | Cont. until 10.12.1956 ...                                                                                                                                                            | S.I. No. 1810.                                                                                   |
| c. 26 ... ..                        | Emergency Laws (Transitional Provisions) Act, 1946.    | Ss. 3 (1), 6, 18, cont. until 10.12.1956.                                                                                                                                             | S.I. No. 1813.                                                                                   |

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| 9 & 10 Geo. 6:<br>c. 30 ... ..      | Trunk Roads Act, 1946...                                        | Scottish functions of M/<br>Tpt. trans. to S/State.<br>S. 10 (1) in pt., 10 (2) rep.                            | S.I. No. 1955.<br>6 (4 Eliz. 2), s. 4<br>(4), sch. 2, Pt.<br>II.                                                 |
| c. 31 ... ..                        | Ministers of the Crown<br>(Transfer of Functions)<br>Act, 1946. | S. 4, sch. 1 rep. ...                                                                                           | S.I. No. 554, sch.<br>2.                                                                                         |
| c. 34 ... ..                        | Furnished Houses<br>(Rent Control) Act,<br>1946.                | Cont. as amd. until<br>31.3.57.                                                                                 | 22 (4 Eliz. 2), s. 1<br>(2).                                                                                     |
| c. 37 ... ..                        | Straits Settlements<br>(Repeal) Act, 1946.                      | Sch. rep. in pt. (Cocos<br>or Keeling Islands).                                                                 | 5, s. 1 (2).                                                                                                     |
| c. 40 ... ..                        | Miscellaneous Financial<br>Provisions Act, 1946.                | S. 3 (1), proviso, para. (a)<br>rep. in pt.                                                                     | 6 (4 Eliz. 2), s. 1<br>(2) (4), sch.<br>2, Pt. I.                                                                |
| c. 47 ... ..                        | Army and Air Force<br>(Annual) Act, 1946.                       | S. 3 (1), proviso, para. (b)<br>am.                                                                             | 6 (4 Eliz. 2), s. 1<br>(3).                                                                                      |
| c. 62 ... ..                        | National Insurance (In-<br>dustrial Injuries) Act,<br>1946.     | Rep. ( <i>prosp.</i> ) so far as<br>still in force.                                                             | 20, s. 5 (1).                                                                                                    |
| c. 67 ... ..                        | National Insurance Act,<br>1946.                                | S. 60 appl. ... ..                                                                                              | 19 (4 Eliz. 2),<br>s. 9 (2).                                                                                     |
| c. 68 ... ..                        | New Towns Act, 1946 ...                                         | S. 5 (1) (a) am. ... ..<br>S. 5 (2) am. ... ..<br>S. 38 appl. ... ..                                            | 29, s. 1 (1).<br>29, s. 1 (2).<br>19 (4 Eliz. 2),<br>s. 9 (2).                                                   |
| c. 75 ... ..                        | Public Works Loans (No.<br>2) Act, 1946.                        | Sch. 1 Pt. I am. ... ..<br>Pt. II am. ... ..                                                                    | 29, s. 2 (1) (2).<br>29, s. 2 (1).                                                                               |
| c. 81 ... ..                        | National Health Service<br>Act, 1946.                           | S. 7. Scottish functions of<br>M/Tpt. trans. to S/State.<br>S. 12 (1) proviso am. ...<br>S. 2 appl. and am. ... | S.I. No. 1955.<br>4 s. 1 (1).<br>9, s. 2.                                                                        |
| 10 & 11 Geo. 6:<br>c. 4 ... ..      | Royal Marines Act, 1946                                         | Sch. 10, Pt. I rep. so far<br>as relating to the Food<br>and Drugs Act, 1938.                                   | 16 (4 Eliz. 2),<br>s. 136 (1), sch.<br>11.                                                                       |
| c. 7 ... ..                         | Pensions (Increase) Act,<br>1947.                               | Rep. ( <i>prosp.</i> ) ... ..<br>Power to apply (mods.)...<br>Appl. (E.) ... ..<br>Appl. (S.) ... ..            | 20, s. 5 (2), sch. 4.<br>22, s. 3 (1) (a).<br>S.I. No. 480, reg.<br>68.<br>S.I. No. 485, reg.<br>65.             |
| c. 22 ... ..                        | Civic Restaurants Act,<br>1947.                                 | Functions of M/Food<br>as to Scot. trans. to<br>S/State.                                                        | S.I. No. 554, sch.<br>1, Pt. I.                                                                                  |
| c. 25 ... ..                        | Army and Air Force<br>(Annual) Act, 1947.                       | Rep. ( <i>prosp.</i> ) so far as<br>still in force.                                                             | 20, s. 5 (1).                                                                                                    |
| c. 30 ... ..                        | Indian Independence Act,<br>1947.                               | S. 12 (2) rep. ( <i>prosp.</i> ), 12<br>(4) rep. in pt. ( <i>prosp.</i> )<br>sch. 3 rep. ( <i>prosp.</i> ).     | 20, s. 5 (2), sch. 4.                                                                                            |
| c. 35 ... ..                        | Finance Act, 1947 ...                                           | S. 30 (3) am. ... ..<br>S. 31 mod. ... ..<br>S. 36 (3) am. ... ..                                               | 17 (4 Eliz. 2), s.<br>2 (1).<br>17 (4 Eliz. 2), s. 2,<br>sch. 2, para. 3<br>(3).<br>17 (4 Eliz. 2),<br>s. 2 (1). |
| c. 36 .. ..                         | Education (Exemptions)<br>(Scotland) Act, 1947.                 | Cont. until 31.12.56 ...                                                                                        | 22 (4 Eliz. 2), s. 1<br>(1).                                                                                     |



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| 10 & 11 Geo. 6:<br>c. 39 ... ..     | Statistics of Trade Act, 1947.                       | S. 17 (3) rep. in pt. ...                                                                                                                                                                                                                                       | S.I. No. 554, sch. 2.                                                                                          |
| c. 40 ... ..                        | Industrial Organisation and Development Act, 1947.   | S. 1 (2) rep. in pt. ...                                                                                                                                                                                                                                        | S.I. No. 554.                                                                                                  |
| c. 43 ... ..                        | Local Government (Scotland) Act, 1947.               | S. 118 ext. ... ..                                                                                                                                                                                                                                              | 20 (4 Eliz. 2), s. 5 (2) (b).<br>S.I. No. 1955.                                                                |
| c. 48 ... ..                        | Agriculture Act, 1947 ...                            | S. 123. Functions of M/Tpt. trans. to S/State.<br>S. 191 (1) (3) am. ...<br>S. 355 (2)-(9) appl. ...<br>Pt. I. M/Food functions as to Scot. trans. to S/State.<br>S. 4 (2). Period ext. (5.8.56).<br>S. 8 (1) rep. in pt. ...                                   | 27, s. 1 (1).<br>21, s. 19 (8).<br>S.I. No. 554, sch. 1, Pt. I.<br>S.I. No. 1098.                              |
| c. 49 ... ..                        | Transport Act, 1947 ...                              | Ext. (borrowing powers) Apptd. day for Pt. III of sch. 15, so far as relating to ss. 22 and 23 of the Road and Rail Traffic Act, 1933, 4.10.1955.                                                                                                               | S.I. No. 554, sch. 2.<br>10, s. 1.<br>S.I. No. 1521.                                                           |
| c. 50 ... ..                        | Isle of Man (Customs) Act, 1947.                     | S. 4 cont. ... ..                                                                                                                                                                                                                                               | S.I. No. 1211.                                                                                                 |
| c. 51 ... ..                        | Town and Country Planning Act, 1947.                 | Ss. 49 (9), 97, 109, para. (a), rep. in pt., 109 para. (b) rep.                                                                                                                                                                                                 | 6 (4 Eliz. 2), s. 4 (4), sch. 2, Pt. II.                                                                       |
| c. 53 ... ..                        | Town and Country Planning (Scotland) Act, 1947.      | Pts. II appl. (mod.), V mod.<br>S. 12 (3) (a) rep. in pt.<br>Ss. 44, 46. Functions of M/T pt. trans. to S/State.<br>Ss. 46 (9), 93, 104 para. (a) rep. in pt., 104, para. (b) rep.<br>Sch. 5 appl. (mod.) ...<br>Sch. 6. Functions of M/Tpt. trans. to S/State. | S.I. No. 346.<br>S.I. No. 1955.<br>6 (4 Eliz. 2), s. 4 (4), sch. 2, Pt. II.<br>S.I. No. 346.<br>S.I. No. 1955. |
| 11 & 12 Geo. 6:<br>c. 7 ... ..      | Ceylon Independence Act, 1947.                       | S. 2 rep. ( <i>prosp.</i> ) ...                                                                                                                                                                                                                                 | 20, s. 5 (2), sch. 4.                                                                                          |
| c. 10 ... ..                        | Emergency Laws (Miscellaneous Provisions) Act, 1947. | Sch. 2, para. 2 rep. ( <i>prosp.</i> ).                                                                                                                                                                                                                         | 20, s. 5 (2), sch. 4.                                                                                          |
| c. 17 ... ..                        | Requisitioned Land and War Works Act, 1948.          | Ext. (E.) ( <i>temp.</i> ) ...                                                                                                                                                                                                                                  | 24, s. 2 (1).                                                                                                  |
| c. 21 ... ..                        | Army and Air Force (Women's Service) Act, 1948.      | S. 3 (1) rep. in pt. ( <i>prosp.</i> )                                                                                                                                                                                                                          | 20, s. 5 (2), sch. 4.                                                                                          |
| c. 24 ... ..                        | Police Pensions Act, 1948                            | Ss. 4, 5, 7 appl. (E.) ...<br>appl. (S.) ...                                                                                                                                                                                                                    | S.I. No. 701.<br>S.I. No. 703.                                                                                 |
| c. 25 ... ..                        | Royal Marines Act, 1948                              | S. 2 rep. ( <i>prosp.</i> ) ...                                                                                                                                                                                                                                 | 20, s. 5 (2), sch. 4.                                                                                          |
| c. 26 ... ..                        | Local Government Act, 1948.                          | S. 4 excl. ... ..<br>S. 31 (2). Scottish functions of M/Tpt. trans. to S/State.<br>S. 33 (2) rep. in pt. ...                                                                                                                                                    | 26, s. 2.<br>S.I. No. 1955.<br>9 (4 Eliz. 2), s. 15, sch. 8, Pt. I.                                            |

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| 11 & 12 Geo. 6:<br>c. 26— <i>cont.</i> | Local Government Act,<br>1948— <i>cont.</i> | <p>Ss. 33 (3) subst., 34 (1) am.<br/>           Ss. 34 (1) (a) in pt., 34 (1) (b), 35–8 rep.<br/>           S. 39 (2) am. ... ..<br/>           S. 40 excl. ... ..<br/>               restr. (Gas Boards)<br/>           S. 40 (2A) added ... ..<br/>           S. 41 (1)–(3) am. ... ..<br/>           S. 41 (4)–(8) subst. for<br/>               S. 41 (4)–(7).<br/>           S. 42 (2) (bb) added,<br/>               42 (2) (d) subst.<br/>           S. 44 (1) rep. in pt. ... ..<br/>           Ss. 44 (3) proviso added,<br/>               46 (1) (b) am.<br/>           S. 48 (1) subst. ... ..<br/>           S. 48 (3) (e) rep. in pt. ... ..<br/>           S. 48 (4) am. ... ..<br/>           S. 51 am. ... ..<br/>           S. 53 rep. in pt. ... ..<br/>           S. 54 (1) expld. ... ..<br/>           S. 55 (1). Apptd. day<br/>               fixed.<br/>           S. 55 (1) am. ... ..<br/>           S. 56. Apptd. day fixed<br/>           S. 56 excl. (<i>temp.</i>) (B.T.C.)<br/>           Ss. 57 (1), 58 (1) (2) am.<br/>           S. 63 appl. ... ..<br/>           Ss. 63 (2) rep. in pt., 64<br/>               rep. in pt.<br/>           S. 65 am. ... ..<br/>           S. 67 (2) am. ... ..<br/>           Ss. 83–4 rep. ... ..<br/>           S. 86 (2). Purposes ext.<br/>               (E.) (<i>temp.</i>).<br/>           S. 144 (2) proviso (b) am.,<br/>               proviso (c) added.<br/>           S. 144 (9) rep. in pt. (E.)</p> | <p>9 (4 Eliz. 2), s. 15,<br/>               sch. 7, Pt. I.<br/>           9 (4 Eliz. 2), s. 15,<br/>               sch. 8, Pt. I.<br/>           9 (4 Eliz. 2), s. 15,<br/>               sch. 7, Pt. I.<br/>           9 (4 Eliz. 2), s. 2<br/>               (2).<br/>           9 (4 Eliz. 2), s. 6<br/>               (4), sch. 3,<br/>               paras. 10, 11.<br/>           9 (4 Eliz. 2), s. 2<br/>               (1).<br/>           9 (4 Eliz. 2), s. 2<br/>               (5), sch. 1, Pt.<br/>               I.<br/>           9 (4 Eliz. 2), s. 2<br/>               (6), sch. 1, Pt.<br/>               II.<br/>           9 (4 Eliz. 2), s. 15,<br/>               sch. 7, Pt. III.<br/>           9 (4 Eliz. 2), s. 15,<br/>               sch. 8, Pt. I.<br/>           9 (4 Eliz. 2), s. 15,<br/>               sch. 7, Pt. I.<br/>           9 (4 Eliz. 2), s. 15,<br/>               sch. 7, Pt. III.<br/>           9 (4 Eliz. 2), s. 15,<br/>               sch. 8, Pt. I.<br/>           9 (4 Eliz. 2), s. 15,<br/>               sch. 7, Pt. I.<br/>           9 (4 Eliz. 2), s. 15,<br/>               sch. 7, Pt. III.<br/>           9 (4 Eliz. 2), s. 15,<br/>               sch. 8, Pt. II.<br/>           9 (4 Eliz. 2), s. 4<br/>               (2) (3).<br/>           S.I. No. 1695.<br/>           9 (4 Eliz. 2), s. 15,<br/>               sch. 7, Pt. I.<br/>           S.I. No. 1695.<br/>           9 (4 Eliz. 2), s. 9<br/>               (5).<br/>           9 (4 Eliz. 2), s. 15,<br/>               sch. 7, Pt. I.<br/>           9 (4 Eliz. 2), s. 3<br/>               (9).<br/>           9 (4 Eliz. 2), s. 15,<br/>               sch. 8, Pt. II.<br/>           9 (4 Eliz. 2), s. 15,<br/>               sch. 7, Pt. III.<br/>           9 (4 Eliz. 2), s. 15,<br/>               sch. 7, Pt. I.<br/>           9 (4 Eliz. 2), s. 15,<br/>               sch. 8, Pt. I.<br/>           9 (4 Eliz. 2), s. 9<br/>               (6) (7).<br/>           9 (4 Eliz. 2), s. 15,<br/>               sch. 7, Pt. I.<br/>           9 (4 Eliz. 2), s. 15,<br/>               sch. 8, Pt. I.</p> |

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| 11 & 12 Geo. 6:<br>c. 28 ... ..     | Army and Air Force (Annual) Act, 1948.                 | Rep. ( <i>prosp.</i> ) so far as still in force. | 20, s. 5 (1).                                                    |
| c. 33 ... ..                        | Superannuation (Miscellaneous Provisions) Act, 1948.   | S. 5 rep. ... ..                                 | 22, s. 3 (1).                                                    |
| c. 39 ... ..                        | Industrial Assurance and Friendly Societies Act, 1948. | S. 10 (1) am. ... ..                             | 19 (4 Eliz. 2), s. 8.                                            |
| c. 45 ... ..                        | Agriculture (Scotland) Act, 1948.                      | S. 18 (2), sch. 5 rep. ...                       | 19 (4 Eliz. 2), s. 5 (2).                                        |
| c. 49 ... ..                        | Finance Act, 1948 ...                                  | Pt. II and s. 66 restr. ...                      | 21, s. 38 (3), sch. 6, Pt. I.                                    |
|                                     |                                                        | S. 71 appl. ... ..                               | 21, s. 21 (6).                                                   |
|                                     |                                                        | S. 77 rep., schs. 5, 6 restr.                    | 21, s. 38 (3), sch. 6, Pt. 1.                                    |
|                                     |                                                        | Sch. 8, Pt. I am. ...                            | 17 (4 Eliz. 2), s. 1 (3).                                        |
|                                     |                                                        | group 1 am. ...                                  | 17 (4 Eliz. 2), s. 1 (2), sch. 1, Pt. I, para. 1.                |
|                                     |                                                        | group 1 (e) (ii) rep.                            | S.I. No. 101.                                                    |
|                                     |                                                        | group 1 (f) am.                                  | S.I. No. 1735.                                                   |
|                                     |                                                        | group 1 (i) rep. in pt.                          | 17 (4 Eliz. 2), s. 1 (2), sch. 1, Pt. I, para. 2.                |
|                                     |                                                        | group 2 am. ...                                  | S.I. No. 101.                                                    |
|                                     |                                                        | group 2 (c) am. ...                              | S.I. No. 1735.                                                   |
|                                     |                                                        | group 3 am., 3 (b) added                         | 17 (4 Eliz. 2), s. 1 (2), sch. 1, Pt. I, para. 3.                |
|                                     |                                                        | group 4 am. ... ..                               | S.I. No. 101.                                                    |
|                                     |                                                        | group 4 (c) (f) added...                         | 17 (4 Eliz. 2), s. 1 (2), sch. 1, Pt. I, para. 4.                |
|                                     |                                                        | group 5 subst. ...                               | 17 (4 Eliz. 2), s. 1 (2), sch. 1, Pt. I, para. 5.                |
|                                     |                                                        | group 6 am., group 6 (a) (i) (ii) subst.         | 17 (4 Eliz. 2), s. 1 (2), sch. 1, Pt. I, para. 6.                |
|                                     |                                                        | group 6 (a) (iii) rep. ...                       | S.I. No. 668.                                                    |
|                                     |                                                        | group 7 rep. ... ..                              | S.I. No. 668.                                                    |
|                                     |                                                        | group 8 am. ... ..                               | S.I. No. 101.                                                    |
|                                     |                                                        | group 9 am. ... ..                               | S.I. No. 101.                                                    |
|                                     |                                                        | group 9 (b) (iii) rep. ...                       | 17 (4 Eliz. 2), s. 1 (2), sch. 1, Pt. I, para. 7.                |
|                                     |                                                        | group 10 am. ... ..                              | S.I. No. 101.                                                    |
|                                     |                                                        | group 11 am. ... ..                              | S.I. No. 101.                                                    |
|                                     |                                                        | group 11 (b) added ...                           | 17 (4 Eliz. 2), s. 1 (2), sch. 1, Pt. I, para. 8.                |
|                                     |                                                        | group 11 (d) rep. ...                            | 17 (4 Eliz. 2), s. 1 (2), sch. 1, Pt. II, para. 9.               |
|                                     |                                                        | group 11 (e) added ...                           | 17 (4 Eliz. 2), s. 1 (2), sch. 1, Pt. I, para. 8.                |
|                                     |                                                        | group 11 (g) rep. ...                            | 17 (4 Eliz. 2), s. 1 (2), sch. 1, Pt. II, para. 12.              |

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| 11 & 12 Geo. 6:<br>c. 49— <i>cont.</i> | Finance Act, 1948— <i>cont.</i>                                       | <p>group 11 (j) rep., 11 (j) rep. (saving), 11 (k) rep. in pt., 11 (r) (t) (u) (v) rep.<br/> group 12 am. ...<br/> group 12 (b) am., 12 (e) subst., 12 (g) (h) rep., 12 (i) subst., 12 (j) rep.<br/> group 23 (e) am. (<i>temp.</i>)</p> <p>group 25 rep. in pt. and am., 25 (g) subst., 25 (f) rep. in pt., 25 (j) (k) added.<br/> group 26 am., 26 (b) (d) added.<br/> groups 27, 28 rep. }<br/> group 29 am ... }<br/> group 35 (f) added ... }</p> | <p>17 (4 Eliz. 2), s. 1 (2), sch. 1, Pt. II, para. 9.<br/> S.I. No. 101.<br/> 17 (4 Eliz. 2), s. 1 (2), sch. 1, Pt. II, para. 10.<br/> 17 (4 Eliz. 2), s. 1 (2), sch. 1, Pt. II, para. 11.<br/> 17 (4 Eliz. 2), s. 1 (2), sch. 1, Pt. II, para. 12.<br/> 17 (4 Eliz. 2), s. 1 (2), sch. 1, Pt. II, para. 13.<br/> S.I. No. 668.<br/> S.I. No. 100.<br/> 7, s. 1 (1) (a).<br/> 7, s. 1 (1) (b).<br/> S.I. No. 554, sch. 1 Pt. II.</p> |
| c. 51 ...                              | White Fish and Herring Industries Act, 1948.                          | <p>S. 5 (1) am. ...<br/> S. 5 (1). Power to am. ...<br/> Ss. 5, 7, 8. M/Food functions trans. to M/Agric., Fisheries and Food and S/State acting jointly.<br/> S. 10 rep. in pt. ...</p>                                                                                                                                                                                                                                                               | <p>S.I. No. 554, sch. 2.<br/> 21 (4 Eliz. 2), s. 3 (2).<br/> S.I. No. 1211.</p>                                                                                                                                                                                                                                                                                                                                                      |
| c. 56 ...                              | British Nationality Act, 1948.                                        | S. 4 proviso, para. (a) saved.                                                                                                                                                                                                                                                                                                                                                                                                                         | 21 (4 Eliz. 2), s. 3 (2).                                                                                                                                                                                                                                                                                                                                                                                                            |
| c. 61 ...                              | Isle of Man (Customs) Act, 1948.                                      | Ss. 1, 2, 5 (2) cont. ...                                                                                                                                                                                                                                                                                                                                                                                                                              | S.I. No. 1211.                                                                                                                                                                                                                                                                                                                                                                                                                       |
| c. 64 ...                              | National Service Act, 1948.                                           | Ext. (Isle of Man) ...                                                                                                                                                                                                                                                                                                                                                                                                                                 | S.I. No. 1952.                                                                                                                                                                                                                                                                                                                                                                                                                       |
| c. 64 ...                              | National Service Act, 1948.                                           | Ext. (mod.) ...                                                                                                                                                                                                                                                                                                                                                                                                                                        | 11, s. 2 (1).                                                                                                                                                                                                                                                                                                                                                                                                                        |
| c. 64 ...                              | National Service Act, 1948.                                           | S. 8 ext. ...                                                                                                                                                                                                                                                                                                                                                                                                                                          | 11, s. 2 (1).                                                                                                                                                                                                                                                                                                                                                                                                                        |
| c. 64 ...                              | National Service Act, 1948.                                           | S. 58 ext. ...                                                                                                                                                                                                                                                                                                                                                                                                                                         | 11, s. 4 (3).                                                                                                                                                                                                                                                                                                                                                                                                                        |
| c. 64 ...                              | National Service Act, 1948.                                           | Sch. 2, para. 1, proviso (a) am. ( <i>prosp.</i> )                                                                                                                                                                                                                                                                                                                                                                                                     | 20, s. 3, sch. 2 para. 10.                                                                                                                                                                                                                                                                                                                                                                                                           |
| c. 65 ...                              | Representation of the People Act, 1948.                               | S. 59 (1) am. ...                                                                                                                                                                                                                                                                                                                                                                                                                                      | S.I. Nos. 20, 21, 165.                                                                                                                                                                                                                                                                                                                                                                                                               |
| c. 65 ...                              | Representation of the People Act, 1948.                               | Sch. 1 am. ...                                                                                                                                                                                                                                                                                                                                                                                                                                         | S.I. Nos. 2-31, 165-186.                                                                                                                                                                                                                                                                                                                                                                                                             |
| c. 66 ...                              | Monopolies and Restrictive Practices (Inquiry and Control) Act, 1948. | S. 20 (1) rep. in pt. ...                                                                                                                                                                                                                                                                                                                                                                                                                              | S.I. No. 554, sch. 2.                                                                                                                                                                                                                                                                                                                                                                                                                |
| c. 67 ...                              | Gas Act, 1948 ...                                                     | Ss. 6 (6), 24 (3) ext. (E.)...                                                                                                                                                                                                                                                                                                                                                                                                                         | 9 (4 Eliz. 2), s. 6 (4), sch. 3 para. 13.                                                                                                                                                                                                                                                                                                                                                                                            |
| 12, 13 & 14 Geo. 6:                    | Recall of Army and Air Force Pensioners Act, 1948.                    | S. 2 (2) am., (3) added ( <i>prosp.</i> ).                                                                                                                                                                                                                                                                                                                                                                                                             | 20, s. 3, sch. 2 para. 11.                                                                                                                                                                                                                                                                                                                                                                                                           |
| c. 8 ...                               | Recall of Army and Air Force Pensioners Act, 1948.                    | S. 2 (2) am., (3) added ( <i>prosp.</i> ).                                                                                                                                                                                                                                                                                                                                                                                                             | 20, s. 3, sch. 2 para. 11.                                                                                                                                                                                                                                                                                                                                                                                                           |
| c. 25 ...                              | Tenancy of Shops (Scotland) Act, 1949.                                | Cont. until 31.12.56 ...                                                                                                                                                                                                                                                                                                                                                                                                                               | 22 (4 Eliz. 2), s. 1 (1).                                                                                                                                                                                                                                                                                                                                                                                                            |
| c. 28 ...                              | Army and Air Force (Annual) Act, 1949.                                | Rep. ( <i>prosp.</i> ) so far as still in force.                                                                                                                                                                                                                                                                                                                                                                                                       | 20, s. 5 (1).                                                                                                                                                                                                                                                                                                                                                                                                                        |
| c. 31 ...                              | Water (Scotland) Act, 1949.                                           | Pt. I saved in pt. ...                                                                                                                                                                                                                                                                                                                                                                                                                                 | 21, s. 18 (3), proviso.                                                                                                                                                                                                                                                                                                                                                                                                              |
| c. 31 ...                              | Water (Scotland) Act, 1949.                                           | S. 21 (1) superseded ...                                                                                                                                                                                                                                                                                                                                                                                                                               | 15 (4 Eliz. 2), s. 1 (2).                                                                                                                                                                                                                                                                                                                                                                                                            |

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| 12, 13 & 14 Geo. 6: c. 32 ... ..    | Special Roads Act, 1949                     | Scottish functions of M/Tpt. (exc. under s. 12(6)) trans. to S/State S. 9 (2) rep. ... S. 19 (1) rep., 19 (2) (a) rep. in pt.                                                                        | S.I. No. 1955.<br>6 (4 Eliz. 2), s. 4 (4), sch. 2 Pt. II.           |
| c. 34 ... ..                        | Milk (Special Designations) Act, 1949.      | M/Food functions as to Scot. trans. to S/State.                                                                                                                                                      | S.I. No. 554, sch. 1, Pt. I.                                        |
| c. 41 ... ..                        | Ireland Act, 1949 ...                       | S. 2 excl. ( <i>prosp.</i> )                                                                                                                                                                         | 18, s. 219.                                                         |
| c. 44 ... ..                        | Superannuation Act, 1949                    | Power to apply Act (mods.). Pts. I-II, IV in pt., appl. (mods.).                                                                                                                                     | 19, s. 217.<br>22, s. 3 (1) (c).                                    |
| c. 47 ... ..                        | Finance Act, 1949 ...                       | S. 47 (3) (5) rep. ...                                                                                                                                                                               | S.I. No. 842.<br>6 (4 Eliz. 2), s. 5 (15), sch. 2 Pt. III.          |
| c. 49 ... ..                        | Colonial Development and Welfare Act, 1949. | Rep. ... ..                                                                                                                                                                                          | 6, s. 3 (3), sch.                                                   |
| c. 51 ... ..                        | Legal Aid and Advice Act, 1949.             | S. 17 (2). Apptd. day (for legal aid (in cts. in sch. 1 Pt. I para. 1 not previously affected)), for ss. 1-4, 6, 17 (1) (2), sch. 1-3, and for certain other courts (1.1.56).<br>Sch. 3 appl. ... .. | S.I. No. 1775.<br>S.I. No. 1904, reg. 2.                            |
| c. 54 ... ..                        | Wireless Telegraphy Act, 1949.              | S. 2 (2) am. ... ..                                                                                                                                                                                  | 7 (4 Eliz. 2), s. 1.                                                |
| c. 58 ... ..                        | Isle of Man (Customs) Act, 1949.            | Ss. 1-3, 5 as am., cont....                                                                                                                                                                          | S.I. No. 1211.                                                      |
| c. 60 ... ..                        | Housing Act, 1949 ...                       | S. 20 ext. ... ..                                                                                                                                                                                    | 24, s. 7 (1).                                                       |
| c. 67 ... ..                        | Civil Aviation Act, 1949                    | S. 28. Scottish functions of M/Tpt. trans. to S/State.<br>S. 39 (3) in pt., 39 (4) rep.                                                                                                              | S.I. No. 1955.<br>6 (4 Eliz. 2), s. 4 (4), sch. 2 Pt. II.           |
| c. 69 ... ..                        | New Forest Act, 1949 ...                    | S. 16 (10) am. ... ..                                                                                                                                                                                | 6 (4 Eliz. 2), s. 4 (4), sch. 1.                                    |
| c. 74 ... ..                        | Coast Protection Act, 1949.                 | Ss. 5 (4) proviso, 8 (4) proviso, 17 (10), sch. 1, para. 3 (as read with para. 8) am.<br>Saved in pt. ... ..<br>S. 15 appl. (mod.) ...                                                               | S.I. No. 1955.<br>21, s. 14 (10).<br>21, s. 3 (3), sch. 2 para. 10. |
| c. 75 ... ..                        | Agricultural Holdings (Scotland) Act, 1949. | S. 51 appl. (E.) ... ..                                                                                                                                                                              | 16 (4 Eliz. 2), s. 5 (4).                                           |
| c. 87 ... ..                        | Patents Act, 1949 ...                       | S. 9 (5) (b) rep. in pt. ( <i>prosp.</i> ).                                                                                                                                                          | 20, ss. 3, 5 (2), sch. 2 para. 12, sch. 4.                          |
| c. 96 ... ..                        | Auxiliary and Reserve Forces Act, 1949.     | Sch. 1 rep. in pt. ( <i>prosp.</i> )<br>Functions of L.C. as to appointment and removal of J.Ps. in Scot. and functions under Pt. I in Scotland transd. to S/State.                                  | 20, s. 5 (2), sch. 4.<br>S.I. No. 240.                              |
| c. 101 ... ..                       | Justices of the Peace Act, 1949.            |                                                                                                                                                                                                      |                                                                     |

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| 12, 13 &<br>14 Geo. 6:<br>c. 101— <i>cont.</i> | Justices of the Peace Act, 1949.— <i>cont.</i>                     | S. 27 expld. ( <i>prosp.</i> )                                                                                                                                                                                                                                                                                                                                                                                        | { 18, s. 221.<br>19, s. 219.                                                                                                                                                                            |
| 14 Geo. 6:<br>c. 2 ... ..                      | Post Office and Telegraph (Money) Act, 1950.                       | S. 2 (3) appl. ... ..                                                                                                                                                                                                                                                                                                                                                                                                 | 14 (4 Eliz. 2),<br>s. 1 (6).                                                                                                                                                                            |
| c. 3 ... ..                                    | Army and Air Force (Annual) Act, 1950.                             | Rep. ( <i>prosp.</i> ) so far as still in force.                                                                                                                                                                                                                                                                                                                                                                      | 20, s. 5 (1).                                                                                                                                                                                           |
| c. 4 ... ..                                    | High Court and County Court Judges Act, 1950.                      | S. 2 rep. ... ..                                                                                                                                                                                                                                                                                                                                                                                                      | 8 (4 Eliz. 2),<br>s. 13 (3), sch. 2<br>Pt. I.                                                                                                                                                           |
| c. 14 ... ..                                   | International Organisations (Immunities and Privileges) Act, 1950. | Ext. ... ..                                                                                                                                                                                                                                                                                                                                                                                                           | 2 (4 Eliz. 2),<br>s. 1 (2).                                                                                                                                                                             |
| c. 19 ... ..                                   | Isle of Man (Customs) Act, 1950.                                   | S. 1 saved ... ..                                                                                                                                                                                                                                                                                                                                                                                                     | 5 (4 Eliz. 2),<br>s. 3 (1).                                                                                                                                                                             |
| c. 21 ... ..                                   | Miscellaneous Financial Provisions Act, 1950.                      | S. 3 cont. ... ..                                                                                                                                                                                                                                                                                                                                                                                                     | S.I. No. 1211.                                                                                                                                                                                          |
| c. 24 ... ..                                   | Highways (Provision of Cattle-Grids) Act, 1950.                    | S. 2 (1), proviso am. ...<br>Scottish functions of M/Tpt. (exc. under s. 6 (2)) trans. to S/State.<br>S. 6 (2). Scottish functions trans. to S/State and M/Tpt. acting jointly.<br>S. 16 (2), 3 (a) rep. ...                                                                                                                                                                                                          | { 6 (4 Eliz. 2),<br>s. 1 (4), sch. 2<br>Pt. I.<br>6 (4 Eliz. 2), s. 3.<br>S.I. No. 1955.<br>6 (4 Eliz. 2),<br>s. 4 (4), sch. 2<br>Pt. II.                                                               |
| c. 26 ... ..                                   | Adoption Act, 1950 ...                                             | S. 11 (1) expld. ... ..                                                                                                                                                                                                                                                                                                                                                                                               | 19 (4 Eliz. 2), s. 7                                                                                                                                                                                    |
| c. 32 ... ..                                   | Army Reserve Act, 1950                                             | Ss. 1 (2), 2 (2) am., 3 (2) (3) subst., 6 (1) (7) am., 7 subst., 8 (3) rep. in pt., 8 (4) added, 12 (1) am., 12A added, 14 (1)–(5), 15 (3), 17 (2) am. ( <i>all prosp.</i> ).<br>S. 18 (1) am., 18 (2) (3) subst. ( <i>both prosp.</i> ).<br>S. 18 (4) rep. in pt. ( <i>prosp.</i> ).<br>Ss. 20 (1), 21, 22 (1) am. ( <i>prosp.</i> ).<br>S. 28 (1) am. ( <i>prosp.</i> ) ...<br>S. 28 (3) rep. ( <i>prosp.</i> ) ... | 20, s. 3, sch. 2<br>para. 13.<br>20, ss. 3, 5 (2),<br>sch. 2 para. 13,<br>sch. 4.<br>20, s. 3, sch. 2<br>para. 13.<br>20, s. 3, sch. 2<br>para. 13.<br>20, ss. 3, 5 (2),<br>sch. 2 para. 13,<br>sch. 4. |
| c. 33 ... ..                                   | Air Force Reserve Act, 1950.                                       | Sch. 1 para. 1 (1) am. ( <i>prosp.</i> ).<br>Ss. 1 (a) am., 3 (2) (3) subst., 6 (1) (7) am. ( <i>all prosp.</i> ).<br>S. 7 rep. ( <i>prosp.</i> ) ...                                                                                                                                                                                                                                                                 | 20, s. 3, sch. 2<br>para. 13.<br>20, s. 3, sch. 2<br>para. 14.<br>20, ss. 3, 5 (2),<br>sch. 2 para. 14,<br>sch. 4.                                                                                      |

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| 14 Geo. 6:<br>c. 33— <i>cont.</i>   | Air Force Reserve Act, 1950— <i>cont.</i>                      | <p>Ss. 8 (3) rep. in pt., 8 (4) added, 12 (1) am., 12A added, 14 (1)–(5), 15 (3), 17 (1) (2) am. (<i>all prosp.</i>).</p> <p>S. 18 (1) am. (<i>prosp.</i>), 18 (2) (3) subst. (<i>prosp.</i>).</p> <p>S. 18 (4) rep. in pt. (<i>prosp.</i>).</p> <p>Ss. 20 (1), 21, 22 (1) am. (<i>all prosp.</i>).</p> <p>S. 27 (1) am. (<i>prosp.</i>) ...</p> <p>S. 27 (4) rep. (<i>prosp.</i>) ...</p> | <p>20, s. 3, sch. 2 para. 14.</p> <p>20, s. 3, sch. 2 para. 14.</p> <p>20, ss. 3, 5 (2), sch. 2 para. 14, sch. 4.</p> <p>20, s. 3, sch. 2 para. 14.</p> <p>20, s. 3, sch. 2 para. 14.</p> <p>20, ss. 3, 5 (2), sch. 2 para. 14, sch. 4.</p> |
| c. 34 ...                           | Housing (Scotland) Act, 1950.                                  | <p>S. 94 (1) proviso added...</p> <p>S. 100 (8) am. ...</p> <p>S. 103 (1)–(3). Power to apply (<i>mods.</i>).</p> <p>S. 111 (6) am. ...</p> <p>S. 150 (1) ext. ...</p> <p>Rep. ...</p>                                                                                                                                                                                                     | <p>24, s. 16.</p> <p>21, s. 22 (8).</p> <p>21, s. 22 (4) (d).</p> <p>21, s. 22 (8).</p> <p>24, s. 17.</p>                                                                                                                                   |
| c. 35 ...                           | Food and Drugs (Milk, Dairies and Artificial Cream) Act, 1950. | <p>Rep. ...</p>                                                                                                                                                                                                                                                                                                                                                                            | <p>16 (4 Eliz. 2), s. 136 (1), sch. 11.</p>                                                                                                                                                                                                 |
| c. 36 ...                           | Diseases of Animals Act, 1950.                                 | <p>Am. (transfer of powers)</p> <p>Sch. 1 Pts. I–II excl. ...</p>                                                                                                                                                                                                                                                                                                                          | <p>S.I. No. 958.</p> <p>S.I. No. 1310, art. 5.</p>                                                                                                                                                                                          |
| c. 37 ...                           | Maintenance Orders Act, 1950.                                  | <p>S. 29 (3) rep. ...</p>                                                                                                                                                                                                                                                                                                                                                                  | <p>8, s. 6 (3), sch.</p>                                                                                                                                                                                                                    |
| c. 39 ...                           | Public Utilities Street Works Act, 1950.                       | <p>Scottish functions of M/Tpt. trans. to S/State.</p> <p>S. 33 (1) rep., 33 (2) rep. in pt.</p>                                                                                                                                                                                                                                                                                           | <p>S.I. No. 1955.</p> <p>6 (4 Eliz. 2), s. 4 (4), sch. 2 Pt. II.</p>                                                                                                                                                                        |
| 14 & 15 Geo. 6:<br>c. 4 ...         | Colonial Development and Welfare Act, 1950.                    | <p>Rep. ...</p>                                                                                                                                                                                                                                                                                                                                                                            | <p>6, s. 3 (3), sch.</p>                                                                                                                                                                                                                    |
| c. 15 ...                           | Local Government (Scotland) Act, 1951.                         | <p>S. 4 cont. until 31.12.56...</p>                                                                                                                                                                                                                                                                                                                                                        | <p>22 (4 Eliz. 2), s. 1 (1).</p>                                                                                                                                                                                                            |
| c. 24 ...                           | Army and Air Force (Annual) Act, 1951.                         | <p>Rep. (<i>prosp.</i>) ...</p>                                                                                                                                                                                                                                                                                                                                                            | <p>20, s. 5 (1).</p>                                                                                                                                                                                                                        |
| c. 25 ...                           | Supplies and Services (Defence Purposes) Act, 1951.            | <p>S. 1 ext. ...</p> <p>S. 2. Scottish functions of M/Tpt. trans. to S/State.</p>                                                                                                                                                                                                                                                                                                          | <p>S.I. Nos. 556–558</p> <p>S.I. No. 1955.</p>                                                                                                                                                                                              |
| c. 30 ...                           | Sea Fish Industry Act, 1951.                                   | <p>Pt. I. M/Food functions trans. to M/Agric., Fisheries &amp; Food and S/State acting jointly.</p> <p>Ss. 19, 22 (3), 24 rep. in pt.</p>                                                                                                                                                                                                                                                  | <p>S.I. No. 554, sch. 1 Pt. II.</p> <p>S.I. No. 554, sch. 2.</p>                                                                                                                                                                            |
| c. 45 ...                           | Rural Water Supplies and Sewerage Act, 1951.                   | <p>S. 1 superseded ...</p>                                                                                                                                                                                                                                                                                                                                                                 | <p>15 (4 Eliz. 2), s. 1 (1).</p>                                                                                                                                                                                                            |
| c. 46 ...                           | Courts-Martial (Appeals) Act, 1951.                            | <p>S. 3 (3) (b) (c) subst. (<i>prosp.</i>) for 3 (3) (b).</p> <p>S. 3 (3) proviso rep. (<i>prosp.</i>).</p>                                                                                                                                                                                                                                                                                | <p>20, s. 3, sch. 2, para. 15.</p> <p>20, ss. 3, 5 (2), sch. 2, para. 15, sch. 4.</p>                                                                                                                                                       |

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| 14 & 15 Geo. 6:<br>c. 46—cont.                 | Courts-Martial (Appeals)<br>1951—cont.                                           | S. 4 (7) saved ( <i>prosp.</i> ) }<br>S. 6 (4) (5) am. ( <i>prosp.</i> )...<br>S. 15 rep. ( <i>prosp.</i> ) ...<br>S. 17 (a)–(c) subst.<br>( <i>prosp.</i> )<br>S. 24 (1) (2) am. ( <i>prosp.</i> )<br>S. 24 (3) rep. ( <i>prosp.</i> ) ...                                                                                                                                           | 18, s. 118 (1).<br>19, s. 118 (1).<br>20, s. 3, sch. 2,<br>para. 15.<br>20, ss. 3, 5 (2),<br>sch. 2, para.<br>15, sch. 4.<br>20, s. 3, sch. 2,<br>para. 15.<br>20, s. 3, sch. 2,<br>para. 15.<br>20, ss. 3, 5 (2),<br>sch. 2, para.<br>15, sch. 4.                                                                                                                                                       |
| c. 48 ... ..                                   | Dangerous Drugs Act,<br>1951.                                                    | Saved (E.) ... ..                                                                                                                                                                                                                                                                                                                                                                     | 16 (4 Eliz. 2),<br>s. 91 (2).                                                                                                                                                                                                                                                                                                                                                                            |
| c. 51 ... ..                                   | Isle of Man (Customs)<br>Act, 1951.                                              | Pt. III appl. ... ..<br>S. 1 cont. ... ..                                                                                                                                                                                                                                                                                                                                             | S.I. No. 872.<br>S.I. No. 1211.                                                                                                                                                                                                                                                                                                                                                                          |
| c. 60 ... ..                                   | Mineral Workings Act,<br>1951.                                                   | S. 32. Scottish functions<br>of M/Tpt. trans. to<br>S/State.                                                                                                                                                                                                                                                                                                                          | S.I. No. 1955.                                                                                                                                                                                                                                                                                                                                                                                           |
| c. 65 ... ..                                   | Reserve and Auxiliary<br>Forces (Protection of<br>Civil Interests) Act,<br>1951. | S. 56 (6) am. (E.) (S.) ...                                                                                                                                                                                                                                                                                                                                                           | 19 (4 Eliz. 2),<br>s. 3 (3).                                                                                                                                                                                                                                                                                                                                                                             |
| C.A.M. No. 1                                   | Diocesan Education<br>Committees Measure,<br>1943 (Amendment)<br>Measure, 1951.  | Rep. ... ..                                                                                                                                                                                                                                                                                                                                                                           | C.A.M. No. 1<br>(4 Eliz. 2), s. 4<br>(1).                                                                                                                                                                                                                                                                                                                                                                |
| 15 Geo. 6:<br>c. 8 ... ..                      | Home Guard Act, 1951...                                                          | S. 1 (2) proviso, 1 (6) rep.<br>( <i>prosp.</i> ), 4 (2) rep. in pt.<br>( <i>prosp.</i> ), sch. rep.<br><i>prosp.</i> )                                                                                                                                                                                                                                                               | 20, s. 5 (2), sch. 4.                                                                                                                                                                                                                                                                                                                                                                                    |
| 15 & 16 Geo. 6 &<br>1 Eliz. 2:<br>c. 10 ... .. | Income Tax Act, 1952 ...                                                         | S. 47 (1) excl. ... }<br>S. 47 (2) appl. ... }<br>S. 157 saved ... }<br>S. 170 appl. ... ..<br>S. 210 am. ... ..<br>S. 211 (3) am. ... ..<br>S. 212 (1) am. ... ..<br>S. 212 (3) rep. in pt. ...<br>S. 213 (2) (3) am. ...<br>S. 216 (1) am. ... ..<br>S. 220 am. ... ..<br>S. 384. Power to apply...<br>S. 384 appl. ... ..<br>Sch. 16, para. 3 mod. ...<br>Sch. 21, para. 6 (1) am. | 17 (4 Eliz. 2)<br>s. 3 (4).<br>15, ss. 1 (1),<br>proviso, 2 (1),<br>proviso.<br>17 (4 Eliz. 2),<br>s. 4 (2), pro-<br>viso.<br>15, s. 2 (3).<br>15, s. 2 (4).<br>15, s. 2 (5).<br>15, s. 2 (1) (5),<br>sch.<br>15, s. 2 (5).<br>15, s. 2 (6).<br>15, s. 2 (7).<br>12, s. 1 (3).<br>S.I. No. 842.<br>17 (4 Eliz. 2), s. 2<br>(3), sch. 2,<br>para. 3 (4).<br>17 (4 Eliz. 2), s. 3<br>(1).<br>20, s. 5 (1). |
| c. 24 ... ..                                   | Army and Air Force<br>(Annual) Act, 1952.                                        | Rep. ( <i>prosp.</i> ) ... ..                                                                                                                                                                                                                                                                                                                                                         | 20, s. 5 (1).                                                                                                                                                                                                                                                                                                                                                                                            |



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| 15 & 16 Geo. 6 & 1 Eliz. 2:<br>c. 27 ... ..<br>c. 33 ... .. | New Towns Act, 1952 ...<br>Finance Act, 1952 ...      | Rep. ... ..<br>S. 9 rep. ... ..<br><br>S. 14 (exc. subss. (3) and (5) rep.<br>S. 15 (1) (2) am. ... ..<br>S. 33 (2) am. ... ..<br><br>Sch. 4 rep. ... ..<br>Sch. 7 am. ... .. | 4, s. 1 (2).<br>17 (4 Eliz. 2),<br>ss. 1 (1), 5 (5),<br>sch. 4.<br>15, s. 2 (1), sch.<br>15, s. 2 (2).<br>17 (4 Eliz. 2),<br>s. 2 (1).<br>17 (4 Eliz. 2),<br>s. 5 (5), sch. 4.<br>17 (4 Eliz. 2),<br>s. 2 (1). |
| c. 39 ... ..                                                | Motor Vehicles (International Circulation) Act, 1952. | Apptd. day (21.6.55) ...                                                                                                                                                      | S.I. No. 875.                                                                                                                                                                                                  |
| c. 44 ... ..                                                | Customs and Excise Act, 1952.                         | S. 161 (4) saved (E.) ...                                                                                                                                                     | 16 (4 Eliz. 2),<br>s. 3 (4).                                                                                                                                                                                   |
| c. 45 ... ..                                                | Pensions (Increase) Act, 1952.                        | Power to apply (mods.)...<br>S. 3 (1) (c) rep., 3 (2) rep. in pt.<br>Sch. I, Pt. II appl. (E.) ...<br><br>appl. (S.) ...                                                      | 22 s. 3 (1) (b).<br>22, s. 3 (1).<br>S.I. No. 480, reg. 69.<br>S.I. No. 485, reg. 66.                                                                                                                          |
| c. 52 ... ..                                                | Prison Act, 1952 ...                                  | Ss. 39-42. Power to apply (mods.) ( <i>prosp.</i> )                                                                                                                           | { 18, s. 122 (3).<br>19, s. 122 (3).                                                                                                                                                                           |
| c. 55 ... ..                                                | Magistrates' Courts Act, 1952.                        | Excl. ... ..<br><br>Appl. ... ..<br><br>Appl. in pt. ( <i>prosp.</i> ) {<br>S. 104 mod. ... ..                                                                                | 16 (4 Eliz. 2),<br>s. 108 (1).<br>16 (4 Eliz. 2),<br>s. 117 (1).<br>18, s. 187 (4).<br>19, s. 187 (4).<br>16 (4 Eliz. 2),<br>s. 108 (1).<br>20, s. 5 (2), sch. 4.                                              |
| c. 61 ... ..                                                | Prisons (Scotland) Act, 1952.                         | S. 25 appl. (mods.) ( <i>prosp.</i> )                                                                                                                                         | 18, s. 214 (4).<br>19, s. 212 (4).                                                                                                                                                                             |
| c. 63 ... ..                                                | Housing (Scotland) Act, 1952.                         | S. 3 (5) am. ... ..                                                                                                                                                           | 21, s. 22 (8).                                                                                                                                                                                                 |
| c. 66 ... ..                                                | Defamation Act, 1952 ...                              | Sch. para. 4 am. ( <i>prosp.</i> )                                                                                                                                            | 20, s. 3, sch. 2,<br>para. 16.                                                                                                                                                                                 |
| c. 67 ... ..                                                | Visiting Forces Act, 1952                             | S. 13 (1)-(3) subst. ( <i>prosp.</i> ) for s. 13 (1)-(4).<br>S. 13 (5) (7) rep. ( <i>prosp.</i> )<br>S. 14 am. ( <i>prosp.</i> ) ...                                          | 20, s. 3, sch. 2<br>para. 17.<br>20, s. 5 (2), sch. 4.<br>20, s. 3, sch. 2,<br>para. 17.                                                                                                                       |
| c. 68 ... ..                                                | Cinematograph Act, 1952                               | Apptd. day (E.) (1.1.56)<br>Apptd. day (S.) (1.1.56)...<br>S. 5 saved (E.) ... ..<br>saved (S.) ... ..                                                                        | S.I. No. 1128.<br>S.I. No. 1124.<br>S.I. No. 1129.<br>S.I. No. 1125.                                                                                                                                           |
| 1 & 2 Eliz. 2:<br>c. 2 ... ..                               | Civil Contingencies Fund Act, 1952.                   | Rep. ... ..                                                                                                                                                                   | 6 (4 Eliz. 2), s. 1 (4), sch. 2, Pt. I.                                                                                                                                                                        |
| c. 13 ... ..                                                | Transport Act, 1953 ...                               | S. 26 (1) (b) am. ... ..<br>S. 35 (6). Apptd. day fixed (1.7.1955).                                                                                                           | 10, s. 1.<br>S.I. No. 881.                                                                                                                                                                                     |

| Session and Chap. or No. of Measure | Short title or Subject                                        | How affected                                                                                    | Chapter of 1955 Act or number of Measure or Statutory Instrument |
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| 1 & 2 Eliz. 2:<br>c. 15 ... ..      | Iron and Steel Act, 1953                                      | Functions of Min. of Supply (inclgd. transitional functions under sch. 1) transd. to Bd./Trade. | S.I. No. 876.                                                    |
| c. 17 ... ..                        | White Fish and Herring Industries Act, 1953.                  | M/Food functions trans. to M/Agric., Fisheries and Food and S/State acting jointly.             | S.I. No. 554, sch. 1, Pt. II.                                    |
| c. 27 ... ..                        | Slaughter of Animals (Pigs) Act, 1953.                        | Ss. 10 rep., 13 (1), sch., Pt. I rep. in pt.                                                    | S.I. No. 554, sch. 2.                                            |
| c. 31 ... ..                        | Army and Air Force (Annual) Act, 1953.                        | Excl. (E.) ... ..                                                                               | 16 (4 Eliz. 2), s. 68 (2).                                       |
| c. 34 ... ..                        | Finance Act, 1953 ...                                         | Rep. ( <i>prosp.</i> ) ... ..                                                                   | 20, s. 5 (1).                                                    |
| c. 38 ... ..                        | New Towns Act, 1953 ...                                       | Ss. 12 (2), 14 (2) rep., 14 (3) rep. in pt.                                                     | 15, s. 2 (1), sch.                                               |
| c. 42 ... ..                        | Valuation for Rating Act, 1953.                               | Rep. ... ..                                                                                     | 4, s. 1 (2).                                                     |
| c. 44 ... ..                        | Isle of Man (Customs) Act, 1953.                              | S. 4 (4) (b) rep. ... ..                                                                        | 9 (4 Eliz. 2), s. 15, sch. 8, Pt. II.                            |
| c. 45 ... ..                        | School Crossing Patrols Act, 1953.                            | S. 1 cont. ... ..                                                                               | S.I. No. 1211.                                                   |
| c. 46 ... ..                        | Licensing Act, 1953 ...                                       | S. 2. Scottish functions of M/Tpt. trans. to S/State.                                           | S.I. No. 1955.                                                   |
| c. 50 ... ..                        | Auxiliary Forces Act, 1953.                                   | Pt. II. (ss. 53-67) cont. until 31.3.57.                                                        | 22 (4 Eliz. 2), s. 1 (2).                                        |
|                                     |                                                               | S. 12 (2) am. ( <i>prosp.</i> ) ...                                                             | 20, s. 3, sch. 2, para. 18.                                      |
|                                     |                                                               | S. 12 (2) proviso rep. ( <i>prosp.</i> ).                                                       | 20, ss. 3, 5 (2), sch. 2, para. 18, sch. 4.                      |
|                                     |                                                               | Ss. 12 (3) am., 18A added, 27 (1) (3) (4) am. ( <i>all prosp.</i> ).                            | 20, s. 3, sch. 2, para. 18.                                      |
|                                     |                                                               | S. 30 rep. ( <i>prosp.</i> ) ...                                                                | 20, ss. 3, 5 (2), sch. 2, para. 18, sch. 4.                      |
|                                     |                                                               | S. 31 (2) (4) am. ( <i>prosp.</i> )                                                             | 20, s. 3, sch. 2, para. 18.                                      |
|                                     |                                                               | S. 31 (5) am. ( <i>prosp.</i> ) ...                                                             | 20, s. 3, sch. 2, para. 18.                                      |
|                                     |                                                               | S. 31 (5) rep. in pt. ( <i>prosp.</i> ), 31 (7) rep. ( <i>prosp.</i> ).                         | 20, ss. 3, 5 (2), sch. 2, para. 18, sch. 4.                      |
|                                     |                                                               | Ss. 32, 34, 37, 43 (1) am., 48 (2) added, sch. 2 subst. ( <i>all prosp.</i> ).                  | 20, s. 3, sch. 2, para. 18                                       |
| 2 & 3 Eliz. 2:<br>c. 13 ... ..      | Local Government (Financial Provisions) (Scotland) Act, 1954. | S. 5 excl. ... ..                                                                               | 26, ss. 2, 4.                                                    |
| c. 25 ... ..                        | Pensions (Increase) Act, 1954.                                | Power to apply (mods.)...                                                                       | 22, s. 3 (1) (a).                                                |
| c. 31 ... ..                        | Coroners Act, 1954 ...                                        | S. 1 (3). Apptd. day (21.11.55).                                                                | S.I. No. 1667.                                                   |
| c. 35 ... ..                        | Army and Air Force (Annual) Act, 1954.                        | Rep. ( <i>prosp.</i> ) ... ..                                                                   | 20, s. 5 (1).                                                    |
| c. 39 ... ..                        | Agriculture (Miscellaneous Provisions) Act, 1954.             | Sch. 2, para. 4 am. (transfer of powers).                                                       | S.I. No. 958, art. 6.                                            |
| c. 42 ... ..                        | Slaughterhouses Act, 1954                                     | Pt. I (except. s. 3 (5)) rep. (with saving for s. 5).                                           | 16 (4 Eliz. 2), s. 136, schs. 11, 12, para. 7.                   |

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| 2 & 3 Eliz. 2:<br>c. 42— <i>cont.</i> | Slaughterhouses Act, 1954<br>— <i>cont.</i>                             | Ss. 19 (a) rep., 19 (c) rep. (E.), 20 (2) rep.<br><br>Sch. 1 saved ... ..                                          | 16 (4 Eliz. 2), s. 136 (1), sch. 11.<br><br>16 (4 Eliz. 2), s. 136 (3), sch. 12, para. 7.<br>S.I. No. 1211. |
| c. 54 ... ..                          | Isle of Man (Customs) Act, 1954.                                        | Ss. 1, 3 cont. ... ..                                                                                              | S.I. No. 1211.                                                                                              |
| c. 56 ... ..                          | Landlord and Tenant Act, 1954.                                          | S. 53 (1) am. ... ..                                                                                               | 8 (4 Eliz. 2), s. 2 (2), sch. 1, para. 12.                                                                  |
| c. 59 ... ..                          | Slaughter of Animals (Amendment) Act, 1954.                             | Ss. 1 (1)–(3) rep. (E.), 9 (2) rep. in pt., sch. 2, Pt. 1 rep. so far as relating to the Food and Drugs Act, 1938. | 16 (4 Eliz. 2), s. 136 (1), sch. 11.                                                                        |
| c. 63 ... ..                          | Trustee Savings Banks Act, 1954.                                        | Ss. 64–69. Power to ext. or mod.<br>S. 64 (1) subst. ... ..                                                        | 12, s. 1 (1).<br>S.I. No. 842.                                                                              |
| c. 64 ... ..                          | Transport Charges, &c. (Miscellaneous Provisions) Act, 1954.            | Ss. 1, 2 excl. ... ..                                                                                              | 26, s. 1 (7).                                                                                               |
| c. 65 ... ..                          | National Gallery and Tate Gallery Act, 1954.                            | Apptd. day (14.2.55) ...                                                                                           | S.I. No. 230.                                                                                               |
| c. 67 ... ..                          | Food and Drugs Amendment Act, 1954.                                     | Apptd. day (1.1.56) ...<br>Rep. (with saving for s. 28).                                                           | S.I. No. 1898.<br>16 (4 Eliz. 2), ss. 134, 136, schs. 10, para. 1 (d), 11, 12, para. 7.                     |
| c. 71 ... ..                          | Overseas Resources Development Act, 1954.                               | S. 2 (1) rep., 2 (2) rep. in pt.                                                                                   | 6, s. 3 (3), sch.                                                                                           |
| c. 73 ... ..                          | Town and Country Planning (Scotland) Act, 1954.                         | Appl. (mod.) ... ..                                                                                                | S.I. No. 346.                                                                                               |
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| 3 & 4 Eliz. 2:<br>c. 13 ... ..        | Rural Water Supplies and Sewerage Act, 1955.                            | S. 1 (3) appl. ... ..                                                                                              | 15 (4 Eliz. 2), s. 1 (3).                                                                                   |
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TO THE

## PUBLIC GENERAL ACTS

AND

## CHURCH ASSEMBLY MEASURES OF 1955

N.B.—*The chapter references are to 3 & 4 Eliz. 2, except where otherwise stated.*

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