



JSN
EGS
OF
1956

THE
PUBLIC GENERAL ACTS
AND CHURCH ASSEMBLY MEASURES
1956

being those which received the Royal Assent during that year
having been passed in the
First and Second Sessions
of the Forty-first Parliament of the
United Kingdom of Great Britain and Northern Ireland
in the
FOURTH AND FIFTH 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*



Printed by SIR JOHN ROUGHTON SIMPSON, C.B.
Controller of Her Majesty's Stationery Office and
Queen's Printer of Acts of Parliament.

LONDON
HER MAJESTY'S STATIONERY OFFICE
1957

PRICE £2 0s. 0d. NET

CONTENTS

	<i>Page</i>
TABLE I.—Alphabetical List of the Public General Acts of 1956 ...	<i>c</i>
TABLE II.—Chronological List of the Public General Acts of 1956 ...	<i>e</i>
THE PUBLIC GENERAL ACTS OF 1956—	
4 & 5 ELIZ. 2, cc. 23-76	1
5 ELIZ. 2, cc. 1-5	1007
TABLE III.—Chronological List of the Church Assembly Measures of 1956	<i>i</i>
THE CHURCH ASSEMBLY MEASURES OF 1956—	
4 & 5 ELIZ. 2, Nos. 2, 3	<i>ii</i>
TABLE IV.—Effect of Legislation	xxxiii
INDEX to the Public General Acts and Church Assembly Measures of 1956	xci

TABLE I

ALPHABETICAL LIST OF THE PUBLIC GENERAL ACTS OF 1956

	<i>Page</i>
Administration of Justice Act (c. 46)	245
Agricultural Mortgage Corporation Act (c. 38)	186
Agricultural Research Act (c. 28)	54
Agriculture (Safety, Health and Welfare Provisions) Act (c. 49) ...	340
Agriculture (Silo Subsidies) Act (5 Eliz. 2, c. 5)	1014
Air Corporations Act (5 Eliz. 2, c. 3)	1011
Appropriation Act (c. 55)	526
 British Caribbean Federation Act (c. 63)	 679
Charles Beattie Indemnity Act (c. 27)	53
Children and Young Persons Act (c. 24)	5
Clean Air Act (c. 52)	379
Coal Industry Act (c. 61)	675
Consolidated Fund Act (c. 32)	139
Copyright Act (c. 74)	853
Criminal Justice Administration Act (c. 34)	159
Crown Estate Act (c. 73)	849
 Dentists Act (c. 29)	 55
Department of Scientific and Industrial Research Act (c. 58)	606
 Education (Scotland) Act (c. 75)	 946
Expiring Laws Continuance Act (5 Eliz. 2, c. 4)	1012
 Family Allowances and National Insurance Act (c. 50)	 358
Finance Act (c. 54)	454
Food and Drugs (Scotland) Act (c. 30)	89
 Governors' Pensions Act (c. 64)	 683
Hill Farming Act (c. 72)	848
Hotel Proprietors Act (c. 62)	676
Housing Subsidies Act (c. 33)	140
Hydrocarbon Oil Duties (Temporary Increase) Act (5 Eliz. 2, c. 2) ...	1008
 Leeward Islands Act (c. 23)	 1
Licensing (Airports) Act (c. 37)	185
Local Authorities (Expenses) Act (c. 36)	184
Local Government Elections Act (c. 43)	226
Local Government (Street Works) (Scotland) Act (c. 40)	208

	<i>Page</i>
Magistrates' Courts (Appeals from Binding Over Orders) Act (c. 44) ...	237
Marriage (Scotland) Act (c. 70)	840
Medical Act (c. 76)	959
National Insurance Act (c. 47)	295
Occasional Licences and Young Persons Act (c. 42)	225
Overseas Resources Development Act (c. 71)	842
Pakistan (Consequential Provision) Act (c. 31)	138
Pensions (Increase) Act (c. 39)	188
Police, Fire and Probation Officers Remuneration Act (5 Eliz. 2, c. 1)...	1007
Police (Scotland) Act (c. 26)...	23
Public Works Loans Act (c. 65)	691
Restrictive Trade Practices Act (c. 68)	772
Road Traffic Act (c. 67)	692
Sanitary Inspectors (Change of Designation) Act (c. 66)...	692
Sexual Offences Act (c. 69)	807
Slum Clearance (Compensation) Act (c. 57)	598
Small Lotteries and Gaming Act (c. 45)	238
Solicitors (Amendment) Act (c. 41)...	209
Sugar Act (c. 48)	297
Teachers (Superannuation) Act (c. 53)	415
Therapeutic Substances Act (c. 25)	12
Transport (Disposal of Road Haulage Property) Act (c. 56)	586
Underground Works (London) Act (c. 59)	609
Validation of Elections (Northern Ireland) Act (c. 35)	183
Valuation and Rating (Scotland) Act (c. 60)	619
Workmen's Compensation and Benefit (Supplementation) Act (c. 51) ...	372

TABLE II

CHRONOLOGICAL LIST OF THE PUBLIC GENERAL ACTS OF 1956

<i>Chapter</i> 4 & 5 Eliz. 2		<i>Page</i>
23	Leeward Islands Act	1
24	Children and Young Persons Act	5
25	Therapeutic Substances Act	12
26	Police (Scotland) Act	23
27	Charles Beattie Indemnity Act	53
28	Agricultural Research Act	54
29	Dentists Act	55
30	Food and Drugs (Scotland) Act	89
31	Pakistan (Consequential Provision) Act	138
*32	Consolidated Fund Act	139
33	Housing Subsidies Act	140
34	Criminal Justice Administration Act	159
35	Validation of Elections (Northern Ireland) Act	183
36	Local Authorities (Expenses) Act	184
37	Licensing (Airports) Act	185
38	Agricultural Mortgage Corporation Act	186
39	Pensions (Increase) Act	188
40	Local Government (Street Works) (Scotland) Act	208
41	Solicitors (Amendment) Act	209
42	Occasional Licences and Young Persons Act	225
43	Local Government Elections Act	226
44	Magistrates' Courts (Appeals from Binding Over Orders) Act	237
45	Small Lotteries and Gaming Act	238
46	Administration of Justice Act	245
47	National Insurance Act	295
48	Sugar Act	297
49	Agriculture (Safety, Health and Welfare Provisions) Act	340
50	Family Allowances and National Insurance Act	358
51	Workmen's Compensation and Benefit (Supplementation) Act	372
52	Clean Air Act	379
53	Teachers (Superannuation) Act	415
54	Finance Act	454
*55	Appropriation Act	526
56	Transport (Disposal of Road Haulage Property) Act	586
57	Slum Clearance (Compensation) Act	598
58	Department of Scientific and Industrial Research Act	606
59	Underground Works (London) Act	609
60	Valuation and Rating (Scotland) Act	619

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

<i>Chapter</i>		<i>Page</i>
<i>4 & 5 Eliz. 2</i>		
61	Coal Industry Act	675
62	Hotel Proprietors Act	676
63	British Caribbean Federation Act	679
64	Governors' Pensions Act	683
65	Public Works Loans Act	691
66	Sanitary Inspectors (Change of Designation) Act... ..	692
67	Road Traffic Act	692
68	Restrictive Trade Practices Act	772
69	Sexual Offences Act	807
70	Marriage (Scotland) Act	840
71	Overseas Resources Development Act	842
*72	Hill Farming Act	848
73	Crown Estate Act	849
74	Copyright Act	853
75	Education (Scotland) Act	946
76	Medical Act	959
 <i>Chapter</i>		
<i>5 Eliz. 2</i>		
1	Police, Fire and Probation Officers Remuneration Act ...	1007
*2	Hydrocarbon Oil Duties (Temporary Increase) Act ...	1008
3	Air Corporations Act... ..	1011
4	Expiring Laws Continuance Act	1012
*5	Agriculture (Silo Subsidies) Act	1014

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

THE
PUBLIC GENERAL STATUTES

4 & 5 ELIZ. 2

CHAPTER 23

Leeward Islands Act, 1956

ARRANGEMENT OF SECTIONS

Section

1. Constitution as separate colonies of Leeward Islands Presidencies.
2. Provisions consequential on preceding section.
3. Power to make emergency laws for the new colonies.
4. Power to establish courts for the new colonies.
5. Amendments of 9 & 10 Geo. 5. c. 47.
6. Variation and revocation of Orders in Council.
7. Short title and interpretation.

Schedule—Amendments of Leeward Islands and Windward Islands (Courts) Order in Council, 1939.

An Act to constitute the Presidencies of the Leeward Islands separate colonies and confer upon Her Majesty power to make, or to authorize the making of, emergency laws therefor and to establish courts therefor; to amend the West Indian Court of Appeal Act, 1919; and for purposes connected with the matters aforesaid.
[15th March, 1956]

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. On such day as Her Majesty may by Order in Council appoint for the purposes of this section (in this Act referred to as "the appointed day") each of the four Presidencies which, by virtue of the Leeward Islands Act, 1871, as amended by Acts of the Legislature of the Leeward Islands, together constitute the colony of the Leeward Islands (that is to say, Antigua, Saint Christopher Nevis and Anguilla, Montserrat and the Virgin Islands) shall become a separate colony and the said Act of 1871 shall cease to have effect.

Constitution as separate colonies of Leeward Islands Presidencies. 34 & 35 Vict. c. 107.

2.—(1) The repeal of the Leeward Islands Act, 1871, shall operate to render of full effect the provisions relating to law-making powers contained in the Ordinances of the Legislatures of the said Presidencies entitled respectively the Antigua Constitution and Elections Ordinance, 1951, the Saint Christopher Nevis and Anguilla Constitution and Elections Ordinance, 1952, the Montserrat Constitution and Elections Ordinance, 1952, and the Virgin Islands Constitution and Elections Ordinance, 1954,

Provisions consequential on preceding section.

A

and, as from the appointed day, the remaining provisions of each of those Ordinances shall have effect as if they had been enacted by virtue of the provisions thereof which by virtue of this subsection are rendered of full effect, and so shall the provisions of any Ordinance amending it passed before that day (whether before or after the passing of this Act).

(2) Her Majesty may, by Order in Council,—

(a) in the case of each of the said Presidencies—

(i) determine, or empower any authority having functions therein or constituted therefor to determine, the laws (other than any to which the foregoing subsection applies) which, after the beginning of the appointed day, are (subject to any amendment or repeal by the Legislature of the Presidency or other competent authority) to remain valid as respects the Presidency notwithstanding its constitution as a separate colony;

(ii) adapt or modify, or empower any such authority as aforesaid to adapt or modify, to such extent as Her Majesty in Council or that authority, as the case may be, thinks necessary or expedient in view of the constitution of the Presidency as a separate colony, any laws having effect therein after the beginning of the appointed day by virtue either of subsection (1) of this section or of an exercise of powers conferred by or under the foregoing sub-paragraph; and

(b) make provision for any incidental, supplementary or consequential matters for which it appears to Her Majesty in Council necessary or expedient to make provision in view of the dissolution of the colony of the Leeward Islands.

(3) An Order in Council under this section made before the appointed day may be so framed as to enable an authority upon whom power is thereby conferred to determine, adapt or modify laws to exercise that power before that day, so, however, that no instrument by which that power is exercised shall come into operation before that day.

Power to make
emergency
laws for the
new colonies.

3.—(1) Her Majesty may, in the case of any colony constituted by section one of this Act, by Order in Council make during a period of emergency, or empower (subject to such restrictions, if any, as may be specified in the Order) such authority as may be so specified to make during any such period, such laws for the colony as appear to Her Majesty in Council or that authority, as the case may be, to be necessary or expedient for securing the public safety, the defence of the colony or the maintenance of public order or for maintaining supplies and services essential to the life of the community, and a law made

by or by virtue of an Order in Council under this subsection for a colony shall have effect notwithstanding the provisions of any other enactment applying to the colony or any rule of law having effect therein.

(2) A law made by or by virtue of an Order in Council under the foregoing subsection for a colony shall (unless previously revoked) expire at the end of the period of emergency during which it was made unless provision for its continuance in force (with or without modification) is made by the Legislature of the colony.

(3) Upon the revocation or expiry of a law made by or by virtue of an Order in Council under subsection (1) of this section, subsection (2) of section thirty-eight of the Interpretation Act, 52 & 53 Vict. 1889, shall apply as if that law were an Act of Parliament which had then been repealed by another such Act.

(4) In this section the expression "period of emergency" means, in relation to a colony constituted by section one of this Act, a period beginning with a declaration made by such authority and in such manner as may by Order of Her Majesty in Council be prescribed in relation to the colony that a public emergency exists therein and ending with a declaration so made that a public emergency no longer exists therein.

4.—(1) Her Majesty may by Order in Council provide for the establishment, for any of the colonies constituted by section one of this Act, of courts constituted in such manner and having such jurisdiction (whether civil or criminal, original or appellate) as may be determined by or under the Order, and an Order in Council under this subsection may make provision for any incidental, supplementary or consequential matters for which it appears to Her Majesty in Council necessary or expedient to make provision for the purposes of the Order.

Power to establish courts for the new colonies.

(2) As from the appointed day—

- (a) the colonies to which the Leeward Islands and Windward Islands (Courts) Order in Council, 1939, applies shall include the separate colonies constituted by section one of this Act; and
- (b) so far as regards those colonies, that Order, and any Order in Council amending it made before the appointed day (whether before or after the passing of this Act), shall have effect as if they had been made under this section;

and the provisions of the said Order of 1939 specified in the first column of the Schedule to this Act shall, as from that day, have effect subject to the amendments respectively specified in relation to those provisions in the second column of that Schedule (being amendments consequential on the provisions of paragraph (a) of this subsection).

Amendments
of
9 & 10 Geo. 5.
c. 47.

5.—(1) In subsection (3) of section one of the West Indian Court of Appeal Act, 1919 (which subsection specifies the persons who are to be the judges of the West Indian Court of Appeal), for the words from “The expression ‘Chief Justice’” to the end of the subsection there shall be substituted the words “Any reference in this subsection to a Chief Justice shall be construed as including a reference to a person for the time being acting in the capacity of Chief Justice”.

(2) As from the appointed day the West Indian colonies to which the said Act of 1919 applies shall include the separate colonies constituted by section one of this Act, and accordingly section one of the said Act of 1919 shall, as from that day, have effect as if, in subsection (2) of that section, for the words “the Leeward Islands”, there were substituted the words “Antigua, St. Christopher Nevis and Anguilla, Montserrat, the Virgin Islands”.

Variation and
revocation
of Orders
in Council.

6. Any power conferred by this Act to make an Order in Council shall be construed as including power to vary or revoke the Order in Council by a subsequent Order in Council.

Short title and
interpretation.

7.—(1) This Act may be cited as the Leeward Islands Act, 1956.

(2) Any reference in this Act to a Presidency shall be construed as including a reference to the dependencies (if any) thereof.

Section 4.

SCHEDULE

AMENDMENTS OF LEEWARD ISLANDS AND WINDWARD ISLANDS (COURTS) ORDER IN COUNCIL, 1939

<i>Provision amended and Subject Matter thereof</i>	<i>Amendment</i>
Paragraph (2) of Article 1 (Colonies to which the Order applies).	For the words “and the Leeward Islands” there shall be substituted the words “Antigua, Saint Christopher Nevis and Anguilla, Montserrat and the Virgin Islands”.
Paragraph (1) of Article 2 (Interpretation).	In the definition of “Public Seal”, for the words “and, with reference to the Leeward Islands, the Public Seal of the Colony”, there shall be substituted the words “and, with reference to the Leeward Islands, the Public Seal of any one of the Colonies comprised in the Leeward Islands”.

*Provision amended
and Subject Matter
thereof*

Amendment

In the definition of "Law", after the words "Ordinance of the Legislature of any Colony" there shall be inserted the words "any Act of the Legislature of the Leeward Islands which, by virtue of an Order in Council under section two of the Leeward Islands Act, 1956, remains valid as respects any of the Colonies comprised in the Leeward Islands".

Paragraph (4) of Article 4 (Place of residence of judges of Supreme Court). The words "or Presidency" shall be omitted.

Paragraph (2) of Article 14 (Appeals). For the words "by resolution of the Legislative Councils of Grenada, St. Vincent, St. Lucia and Dominica and the General Legislative Council of the Leeward Islands" there shall be substituted the words "by resolution of the Legislative Council of each of the Colonies".

Article 19 (Saving of powers of local legislatures). The words "or of any Presidency of the Leeward Islands" shall be omitted.

CHAPTER 24

Children and Young Persons Act, 1956

ARRANGEMENT OF SECTIONS

Section

1. Escapes from care of fit persons.
2. Escapes from approved schools.
3. Escapes from remand homes, etc.
4. Consequential amendments and repeals.
5. Interpretation.
6. Short title, citation, extent and commencement.

SCHEDULE: Consequential amendments of enactments.

An Act to extend the provisions of the Children and Young Persons Act, 1933, and the Children and Young Persons (Scotland) Act, 1937, with respect to escapes from the care of fit persons, from approved schools and from remand homes or special reception centres.

[15th March, 1956]

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:—

Escapes from
care of fit
persons.

1.—(1) The powers conferred respectively by section eighty-five of the principal English Act and section eighty-nine of the principal Scottish Act (which relate to escapes from the care of fit persons) to apprehend without warrant and bring back a child or young person shall be exercisable as mentioned in the two next following subsections.

(2) The powers under subsection (1) of each of the said sections (which relate to a child or young person who runs away from a person to whose care he has been committed under the Act in question) shall in each case be exercisable—

- (a) where the child or young person is without lawful authority taken away, as well as where he runs away, from a person to whose care he has been committed; and
- (b) whether he was committed to the care of that person under the principal English Act or the principal Scottish Act; and
- (c) in any part of Great Britain.

(3) The powers under subsection (2) of each of the said sections (which relate to a child or young person who runs away from any person with whom he has been boarded out by a local authority under Part II of the Children Act, 1948) shall in each case be exercisable—

- (a) where the child or young person is without lawful authority taken away, as well as where he runs away; and
- (b) where he runs away, or is without lawful authority taken away, from any place at which accommodation has been provided for him under the said Part II, whether by boarding out or otherwise, by a local authority acting in the capacity of a fit person to whose care he has been committed under either of the principal Acts; and
- (c) in any part of Great Britain.

(4) Subsection (3) of each of the said sections (which relate to penalties) shall apply in each case to any person who—

- (a) knowingly assists or induces, or persistently attempts to induce, a child or young person to run away from a

11 & 12 Geo. 6.
c. 43.

person to whose care he has been committed under either of the principal Acts or from a place at which accommodation has been provided for him as aforesaid; or

- (b) without lawful authority takes away a child or young person from such a person or such a place; or
- (c) knowingly harbours or conceals a child or young person who has so run away or has been so taken away, or prevents him from returning.

2.—(1) Subsection (1) of section eighty-two of the principal English Act and subsection (1) of section eighty-six of the principal Scottish Act (which relate to escapes from approved schools) shall each apply in relation to an approved school within the meaning of either of those Acts; and the powers conferred by each of those subsections respectively to apprehend without warrant and bring back to his school and bring before a court of summary jurisdiction any person who has committed any such offence as is mentioned in that subsection shall be exercisable in any part of Great Britain: Escapes from approved schools.

Provided that where the school is situate in England or Wales and the offender is found in Scotland, or where the school is situate in Scotland and the offender is found in England or Wales, he shall only be brought before a court of summary jurisdiction having jurisdiction where his school is situate.

(2) Paragraph 13 of the Fourth Schedule to the principal English Act and paragraph 13 of the Second Schedule to the principal Scottish Act (which confer the powers, protection and privileges of a constable on persons authorised to take charge of or apprehend, or to bring back or take to an approved school, a person ordered to be detained therein) shall each apply in relation to an approved school within the meaning of either of those Acts; and the said powers, protection and privileges shall be available in any part of Great Britain.

3.—(1) The powers conferred respectively by subsection (4) of section seventy-eight of the principal English Act and subsection (4) of section eighty-two of the principal Scottish Act to apprehend without warrant and bring back a child or young person who escapes from a remand home or, in the case of the principal English Act, from a special reception centre, shall in each case be exercisable— Escapes from remand homes, etc.

- (a) where a child or young person is without lawful authority taken away, as well as where he escapes; and
- (b) in any part of Great Britain;

and a child or young person who has been committed to custody in a remand home (whether provided under section seventy-seven of the principal English Act or under section eighty-one of the

principal Scottish Act) or in a special reception centre within the meaning of the principal English Act, shall, while being conveyed in any part of Great Britain to or from the remand home or special reception centre, be deemed to be in legal custody.

(2) The penalties provided by each respectively of the said subsections shall in each case be incurred by any person who—

- (a) knowingly assists or induces a child or young person to escape from a remand home provided under either of the principal Acts or from a special reception centre within the meaning of the principal English Act; or
- (b) without lawful authority takes away a child or young person from such a remand home or special reception centre; or
- (c) knowingly harbours or conceals a child or young person who has so escaped or has been so taken away, or prevents him from returning.

**Consequential
amendments
and repeals.**

4.—(1) The principal English Act and the principal Scottish Act shall have effect subject to the amendments respectively specified in the Schedule to this Act, being amendments consequential on the foregoing provisions of this Act.

(2) So much of the Third Schedule to the Children Act, 1948, as amends section eighty-five of the principal English Act or section eighty-nine of the principal Scottish Act is hereby repealed.

Interpretation.

23 & 24 Geo. 5.
c. 12.

1 Edw. 8. &
1 Geo. 6. c. 37.

5.—(1) In this Act—

- (a) the expression “the principal English Act” means the Children and Young Persons Act, 1933;
- (b) the expression “the principal Scottish Act” means the Children and Young Persons (Scotland) Act, 1937.

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

**Short title,
citation,
extent and
commence-
ment.**

6.—(1) This Act may be cited as the Children and Young Persons Act, 1956.

(2) This Act and the Children and Young Persons Acts, 1933 to 1952, may be cited together as the Children and Young Persons Acts, 1933 to 1956.

(3) This Act and the Children and Young Persons (Scotland) Act, 1937, may be cited together as the Children and Young Persons (Scotland) Acts, 1937 and 1956.

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

(5) This Act shall come into operation on the first day of October nineteen hundred and fifty-six.

SCHEDULE

Section 4.

CONSEQUENTIAL AMENDMENTS OF ENACTMENTS

The Children and Young Persons Act, 1933
(23 & 24 Geo. 5. c. 12)

1. For subsection (2) of section seventy-eight there shall be substituted the following:—

“(2) A child or young person while so detained, or while being conveyed to or from a remand home to custody in which he has been committed (including a remand home provided under section eighty-one of the Children and Young Persons (Scotland) Act, 1937), shall be deemed to be in legal custody.”

2. In subsection (4) of section seventy-eight for the words from the beginning to “returning” there shall be substituted the following:—

“(4) A child or young person who escapes or is without lawful authority taken away from a remand home (including a remand home provided under section eighty-one of the said Act of 1937) may be apprehended without warrant in any part of Great Britain, and brought back thereto, and any person who—

- (a) knowingly assists or induces a child or young person so to escape; or
- (b) without lawful authority so takes away a child or young person; or
- (c) knowingly harbours or conceals a child or young person who has so escaped or has been so taken away, or prevents him from returning.”

3. In subsection (1) of section eighty-two—

- (a) after the words “approved school” there shall be inserted the words “within the meaning of this Act or of the Children and Young Persons (Scotland) Act, 1937”;
- (b) after the word “warrant” there shall be inserted the words “in any part of Great Britain”;
- (c) at the end of the subsection there shall be added the following:—
“Provided that where his school is situate in England or Wales and he is found in Scotland, or where his school is situate in Scotland and he is found in England or Wales, he shall only be brought before a court of summary jurisdiction having jurisdiction where his school is situate.”

4. In subsection (1) of section eighty-five—

- (a) after the words “runs away” there shall be inserted the words “or is without lawful authority taken away”;
- (b) after the word “Act” there shall be inserted the words “or under the Children and Young Persons (Scotland) Act, 1937”;
- (c) after the word “warrant” there shall be inserted the words “in any part of Great Britain”;

A*

- (d) in paragraph (a), for the words “ petty sessional court ” there shall be substituted the words “ court of summary jurisdiction ”;
- (e) in paragraph (b), after the word “ ran ” there shall be inserted the words “ or was taken ”.

5. For subsection (2) of section eighty-five there shall be substituted the following:—

“(2) A child or young person who runs away, or is without lawful authority taken away, from any place at which accommodation has been provided for him under Part II of the Children Act, 1948, whether by boarding out or otherwise, by a local authority acting in the capacity of a fit person to whose care he has been committed under this Act or under the Children and Young Persons (Scotland) Act, 1937, may be apprehended without warrant in any part of Great Britain and brought back to that place or to such other place or person as the local authority direct.”

6. In subsection (3) of section eighty-five, for the words from “ knowingly ” to the end of paragraph (b) there shall be substituted the following:—

- “(a) knowingly assists or induces, or persistently attempts to induce, a child or young person to run away from a person to whose care he has been committed as aforesaid or from a place at which accommodation has been provided for him as aforesaid; or
- (b) without lawful authority takes away a child or young person from such a person or such a place; or
- (c) knowingly harbours or conceals a child or young person who has so run away or has been so taken away, or prevents him from returning.”

7. In paragraph 13 of the Fourth Schedule—

- (a) after the words “ approved school ” in both places where they occur there shall be inserted the words “ within the meaning of this Act or of the Children and Young Persons (Scotland) Act, 1937 ”;
- (b) at the end there shall be added the words “ in any part of Great Britain ”.

Children and Young Persons (Scotland) Act, 1937
(1 Edw. 8. & 1 Geo. 6. c. 37)

8. For subsection (2) of section eighty-two there shall be substituted the following:—

“(2) A child or young person while so detained, or while being conveyed to or from a remand home (whether provided under the last foregoing section or under section seventy-seven of the Children and Young Persons Act, 1933) or special reception centre within the meaning of the said Act of 1933 to custody in which he has been committed, shall be deemed to be in legal custody.”

9. In subsection (4) of section eighty-two for the words from the beginning to "returning" there shall be substituted the following:—

"(4) A child or young person who escapes or is without lawful authority taken away from a remand home (whether provided under the last foregoing section or under section seventy-seven of the said Act of 1933) or from a special reception centre within the meaning of the said Act of 1933, may be apprehended without warrant in any part of Great Britain, and brought back thereto, and any person who—

- (a) knowingly assists or induces a child or young person so to escape; or
- (b) without lawful authority so takes away a child or young person; or
- (c) knowingly harbours or conceals a child or young person who has so escaped or has been so taken away, or prevents him from returning".

10. In subsection (1) of section eighty-six—

- (a) after the words "approved school" there shall be inserted the words "within the meaning of this Act or of the Children and Young Persons Act, 1933";
- (b) after the word "warrant" there shall be inserted the words "in any part of Great Britain";
- (c) at the end of the subsection there shall be added the following:—
"Provided that where his school is situate in England or Wales and he is found in Scotland, or where his school is situate in Scotland and he is found in England or Wales, he shall only be brought before a court of summary jurisdiction having jurisdiction where his school is situate."

11. In subsection (1) of section eighty-nine—

- (a) after the words "runs away" there shall be inserted the words "or is without lawful authority taken away";
- (b) after the word "Act" there shall be inserted the words "or under the Children and Young Persons Act, 1933";
- (c) after the word "warrant" there shall be inserted the words "in any part of Great Britain";
- (d) in paragraph (b), after the word "ran" there shall be inserted the words "or was taken".

12. For subsection (2) of section eighty-nine there shall be substituted the following:—

"(2) A child or young person who runs away, or is without lawful authority taken away, from any place at which accommodation has been provided for him under Part II of the Children Act, 1948, whether by boarding out or otherwise, by a local authority acting in the capacity of a fit person to whose care he has been committed under this Act or under the Children and Young Persons Act, 1933, may be apprehended without warrant in any part of Great Britain and brought back to that place or to such other place or person as the local authority direct."

13. In subsection (3) of section eighty-nine, for the words from “knowingly” to the end of paragraph (b) there shall be substituted the following:—

- “(a) knowingly assists or induces, or persistently attempts to induce, a child or young person to run away from a person to whose care he has been committed as aforesaid or from a place at which accommodation has been provided for him as aforesaid; or
- (b) without lawful authority takes away a child or young person from such a person or such a place; or
- (c) knowingly harbours or conceals a child or young person who has so run away or has been so taken away, or prevents him from returning.”

14. In paragraph 13 of the Second Schedule—

- (a) after the words “approved school” in both places where they occur there shall be inserted the words “within the meaning of this Act or of the Children and Young Persons Act, 1933”;
- (b) at the end there shall be added the words “in any part of Great Britain”.

CHAPTER 25

Therapeutic Substances Act, 1956

ARRANGEMENT OF SECTIONS

PART I

CONTROL OF MANUFACTURE AND IMPORTATION OF CERTAIN THERAPEUTIC SUBSTANCES

Section

1. Substances to which Part I applies.
2. Restrictions on manufacture of substances to which Part I applies.
3. Restrictions on importation of substances to which Part I applies.
4. The joint committee and the advisory committee.
5. Power to make regulations.
6. Offences under Part I.
7. Licensing authority for purposes of Part I.

PART II

CONTROL OF SALE, SUPPLY, DISPENSING AND ADMINISTRATION OF PENICILLIN AND CERTAIN OTHER SUBSTANCES

8. Substances to which Part II applies.
9. Control of sale and supply of substances to which Part II applies.
10. Control of dispensing of substances to which Part II applies.
11. Control of administration of substances to which Part II applies.
12. Offences under Part II.

Section

13. Enforcement by Pharmaceutical Society.
14. Interpretation of Part II.
15. Application of Part II to Northern Ireland.

PART III

GENERAL

16. Application of Statutory Instruments Act, 1946, to regulations.
17. General provisions as to Northern Ireland.
18. Repeal and savings.
19. Short title and commencement.

SCHEDULES:

- First Schedule—Substances to which Part I of this Act applies.
 Second Schedule—Enactments repealed.

An Act to consolidate the Therapeutic Substances Act, 1925, and the Therapeutic Substances (Prevention of Misuse) Acts, 1947 to 1953. [15th March, 1956]

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

CONTROL OF MANUFACTURE AND IMPORTATION OF CERTAIN THERAPEUTIC SUBSTANCES

1. The substances to which this Part of this Act applies are the substances specified in the First Schedule to this Act and any other therapeutic substances which may from time to time be added to that Schedule by regulations made under this Part of this Act as being substances the purity or potency of which cannot be adequately tested by chemical means. Substances to which Part I applies.

2.—(1) No person shall manufacture for sale a substance to which this Part of this Act applies unless he holds a licence for the purpose from the licensing authority, or elsewhere than on the premises in respect of which such a licence is in force. Restrictions on manufacture of substances to which Part I applies.

(2) A licence under this section shall continue in force for such period as may be prescribed, but may from time to time be renewed for a like period, and may extend to all the substances to which this Part of this Act applies, or to such one or more of them as may be specified in the licence, and shall be issued subject to such conditions as may be prescribed.

PART I
—cont.

(3) An applicant for a licence or the renewal of a licence must satisfy the licensing authority that the conditions under which the substances are to be manufactured by him and the premises in which they are to be manufactured are such as to comply with any regulations made under this Part of this Act, and an applicant who so satisfies the licensing authority shall be entitled to the grant or renewal of the licence.

(4) The licensing authority may revoke a licence or suspend it for such period as he thinks fit if, in his opinion, the licensee has failed to comply with the conditions subject to which the licence was issued or with the regulations made under this Part of this Act as to the prescribed standards of strength, quality and purity, and such revocation or suspension may apply to all the substances to which the licence applies or to some one or more of them :

Provided that a person who is aggrieved by the revocation or suspension of his licence may appeal to the High Court, whose decision shall be final.

(5) Nothing in this section shall apply to the preparation by a duly qualified medical practitioner for any of his own patients or for and at the request of another such practitioner of a substance to which this Part of this Act applies, if it is specially prepared with reference to the condition, and for the use, of an individual patient.

(6) In the application of this section to Scotland, for the reference to the High Court there shall be substituted a reference to the Court of Session.

Restrictions on
importation of
substances to
which Part I
applies

3.—(1) The importation of a substance to which this Part of this Act applies is hereby prohibited unless the substance—

(a) is proved to the satisfaction of the licensing authority to comply with the standard of strength, quality and purity prescribed in the case of that substance, if the substance is one the manufacture of which is carried on in the United Kingdom, or, if such manufacture is not so carried on, with such standards (if any) of strength, quality and purity, as may be prescribed for that substance, or, if no such standards are so prescribed, with such standards of quality and purity as are prescribed in the case of therapeutic substances of a similar class the manufacture of which is carried on in the United Kingdom, and is consigned to a person licensed by the licensing authority to import it ; or

(b) is consigned to a person engaged in scientific research holding a special licence to import it for the purpose of such research issued by the licensing authority.

(2) The issue of a licence under this section shall be subject to such conditions, including conditions as to suspension and revocation, as may be prescribed.

PART I
—cont.

4.—(1) For the purpose of framing regulations under this Part of this Act and for securing uniformity of standards, there shall be established a joint committee consisting of the Minister of Health, who shall be chairman, the Secretary of State, and the Minister of Health and Local Government for Northern Ireland:

The joint committee and the advisory committee.

Provided that each member of the joint committee may appoint a deputy to act for him at meetings of the committee at which he is unable to be present.

(2) For the purpose of assisting the joint committee in the framing of regulations under this Part of this Act, there shall be appointed an advisory committee consisting of one member appointed by the Minister of Health, who shall be chairman, one member appointed by the Secretary of State, one member appointed by the Minister of Health and Local Government for Northern Ireland, one member appointed by the Medical Research Council, one member appointed by the General Medical Council, one member appointed by the British Medical Association, one member appointed by the Council of the Pharmaceutical Society of Great Britain, and one member appointed by the Council of the Royal Institute of Chemistry.

5.—(1) The joint committee, after consultation with the advisory committee, may make regulations for the following purposes:—

Power to make regulations.

- (a) for prescribing the standard of strength, quality and purity of any substance to which this Part of this Act applies;
- (b) for prescribing the tests to be used for determining whether the standard prescribed as aforesaid has been attained;
- (c) for prescribing units of standardisation;
- (d) for adding to the First Schedule to this Act any therapeutic substance the purity or potency of which cannot be adequately tested by chemical means;
- (e) for prescribing the form of licences under this Part of this Act and of applications therefor, and of notices to be given in connection therewith;
- (f) for prescribing the conditions subject to which licences may be issued, including, in the case of a licence to manufacture, conditions that the licensee shall allow any inspector authorised by the licensing authority in that behalf to enter any premises where the manufacture

PART I
—*cont.*

is carried on, and to inspect the premises and plant and the process of manufacture and the means employed for standardising and testing the manufactured substance and to take samples thereof ;

- (g) for excluding from the operation of this Part of this Act, or of any of the provisions thereof, any substance intended to be used solely for veterinary purposes ;
- (h) for prescribing any other matter which under this Part of this Act is to be prescribed.

(2) Regulations so made may also, as respects any such substance to which this Part of this Act applies as may be specified in the regulations, contain provisions—

- (a) requiring that, if advertised or sold as a proprietary medicine or contained in such a medicine, such accepted scientific name, or name descriptive of the true nature and origin of the substance, as may be prescribed shall appear on the label ;
- (b) requiring that the date of the manufacture shall be stated in the prescribed manner on all vessels or other packages in which the substance is sold or offered for sale, and prohibiting the sale of the substance after the expiration of the prescribed period from the date of manufacture ;
- (c) prohibiting the sale or the offering for sale of the substance otherwise than in a vessel or other container of such character as may be prescribed, and requiring that the prescribed label or other description shall be affixed to the vessel or other container in which the substance is sold or offered for sale.

Offences under
Part I.

6. A person who—

- (a) being a person who is required by this Part of this Act to be licensed in that behalf manufactures for sale a substance to which this Part of this Act applies without a licence for the purpose, or elsewhere than on premises in respect of which a licence is in force ;
- (b) contravenes or fails to comply with a condition subject to which a licence under this Part of this Act is issued ;
- (c) sells or has in his possession for sale a substance to which this Part of this Act applies knowing it to have been manufactured or imported in contravention of this Part of this Act or the regulations made thereunder ;
- (d) contravenes or fails to comply with the provisions of any regulation made under this Part of this Act ;

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

to such a fine or to imprisonment for a term not exceeding three months, and in either case to forfeit any goods in connection with which the offence was committed, and without prejudice, if the offender is the holder of a licence, to the power of the licensing authority to revoke or suspend the licence.

PART I
—cont.

7. The following authorities shall be the licensing authorities for the purposes of this Part of this Act:—

Licensing
authority for
purposes of
Part I.

- (a) as respects England and Wales, the Minister of Health ;
- (b) as respects Scotland, the Secretary of State ;
- (c) as respects Northern Ireland, the Minister of Health and Local Government for Northern Ireland.

PART II

CONTROL OF SALE, SUPPLY, DISPENSING AND ADMINISTRATION OF PENICILLIN AND CERTAIN OTHER SUBSTANCES

8.—(1) The substances to which this Part of this Act applies are penicillin and such other therapeutic substances as may be prescribed by regulations made by the Minister of Health, the Secretary of State and the Minister of Health and Local Government for Northern Ireland, jointly, after consultation with the Medical Research Council, being substances appearing to those Ministers to be capable of causing danger to the health of the community if used without proper safeguards.

Substances
to which
Part II
applies.

(2) In this section “ penicillin ” has the meaning assigned to it by regulations for the time being in force under Part I of this Act.

9.—(1) Subject to the provisions of subsection (2) of this section, no person shall sell or otherwise supply a substance to which this Part of this Act applies or any preparation of which any such substance is an ingredient or part unless—

Control of
sale and
supply of
substances
to which
Part II
applies.

- (a) he is a duly qualified medical practitioner, a registered dental practitioner or a registered veterinary surgeon or registered veterinary practitioner, or a person acting in accordance with the directions of any such practitioner or surgeon, and the substance or preparation is sold or supplied for the purposes of treatment by or in accordance with the directions of that practitioner or surgeon ; or
- (b) he is a registered pharmaceutical chemist or an authorised seller of poisons, and the substance or preparation is sold or supplied under the authority of a prescription signed and dated by such a practitioner or surgeon as aforesaid.

PART II
—cont.

(2) The foregoing subsection shall not apply to the sale or supply of any such substance or preparation as aforesaid—

- (a) by way of wholesale dealing ;
- (b) for the purpose of being exported ;
- (c) to any such practitioner or surgeon as aforesaid ;
- (d) to any authority or person carrying on a hospital, clinic, nursing home or other institution providing medical, surgical, dental or veterinary treatment ;
- (e) to the owner or master of a medical store-carrying ship, for use on board the ship ;
- (f) to any person carrying on an institution or business which has among its recognised activities the conduct of scientific education or research, for use by persons engaged in that education or research ; or
- (g) to a Minister of the Crown or Government department ;

or to the sale or supply of any such substance or preparation as aforesaid as may be specified in regulations under this section if it is sold or supplied in such circumstances and in accordance with such conditions as may be so specified.

(3) The power of making regulations under this section shall be exercisable by the Minister of Health, the Secretary of State and the Minister of Health and Local Government for Northern Ireland, jointly, after consultation with the Medical Research Council and, in the case of regulations appearing to those Ministers to concern agricultural matters, with the Agricultural Research Council.

Control of
dispensing of
substances
to which
Part II
applies.

10. A prescription signed by a duly qualified medical practitioner, a registered dental practitioner or a registered veterinary surgeon or registered veterinary practitioner authorising the sale or supply of a substance to which this Part of this Act applies or a preparation of which any such substance is an ingredient or part shall not, subject as hereinafter provided, be dispensed on more than one occasion or more than three months after the date on which it was signed :

Provided that, if the prescription expressly directs that it may be dispensed on a specified number of occasions or at specified intervals in a specified period, it may be dispensed in accordance with that direction.

Control of
administration
of substances
to which
Part II
applies

11.—(1) Subject to the provisions of subsection (2) of this section, no person shall administer by way of treatment a substance to which this Part of this Act applies or a preparation of which any such substance is an ingredient or part unless he is a duly qualified medical practitioner, a registered dental practi-

tioner or a registered veterinary surgeon or registered veterinary practitioner, or a person acting in accordance with the directions of such a practitioner or surgeon.

PART II
—cont.

(2) On board a medical store-carrying ship, being a ship which does not carry on board as part of her complement a duly qualified medical practitioner, the master or a person authorised by the master in that behalf may, in accordance with any applicable instructions contained in a book of instructions kept on board in pursuance of section two hundred of the Merchant Shipping Act, 1894, administer by way of treatment a substance to which this Part of this Act applies or a preparation of which any such substance is an ingredient or part, and the foregoing subsection shall not apply in such a case.

12.—(1) A person who contravenes any of the foregoing provisions of this Part of this Act shall be guilty of an offence under this Part of this Act and liable, on summary conviction, to a fine not exceeding one hundred pounds or, in the case of a second or subsequent conviction, to such a fine or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment. Offences under Part II.

(2) Where an offence under this Part of this Act has been committed by a body corporate, every person who at the time of the commission of the offence was a director, general manager, secretary or other similar officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

13. The Pharmaceutical Society of Great Britain shall have power to enforce the provisions of this Part of this Act, and for that purpose may employ the inspectors appointed by them under section twenty-five of the Pharmacy and Poisons Act, 1933, but nothing in this section shall be construed as authorising the Society to institute proceedings in Scotland for any offence under this Part of this Act. Enforcement by Pharmaceutical Society.

14. In this Part of this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:— Interpretation of Part II.

“ authorised seller of poisons ” has the meaning assigned to it by the Pharmacy and Poisons Act, 1933 ;

“ master ” has the same meaning as in the Merchant Shipping Act, 1894 ;

PART II
—*cont.*

- “**medical store-carrying ship**” means a ship on board which a supply of medicine and medical stores is required to be kept under section two hundred of the Merchant Shipping Act, 1894 ;
- “**registered dental practitioner**” means a person registered in the dentists register under the Dentists Acts, 1878 to 1923 ;
- “**registered pharmaceutical chemist**” means a person registered in the register of pharmaceutical chemists established in pursuance of the Pharmacy Act, 1852, and maintained in pursuance of subsection (1) of section two of the Pharmacy Act, 1954 ;
- “**registered veterinary practitioner**” means a person registered in the Supplementary Veterinary Register in pursuance of the Veterinary Surgeons Act, 1948 ;
- “**registered veterinary surgeon**” means a person registered in the register of veterinary surgeons in pursuance of the Veterinary Surgeons Act, 1881 ;
- “**sale by way of wholesale dealing**” means sale to a person who buys for the purpose of selling again.

Application of Part II to Northern Ireland.

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

- “**authorised seller of poisons**” has the meaning assigned to it by the Medicines, Pharmacy and Poisons Act (Northern Ireland), 1945, as amended by any other enactment of the Parliament of Northern Ireland ;
- “**registered pharmaceutical chemist**” means a person registered in the register of pharmaceutical chemists in pursuance of the Pharmacy and Poisons Acts (Northern Ireland), 1925 and 1945, or any enactment of the Parliament of Northern Ireland amending those Acts.

(2) The Ministry of Home Affairs for Northern Ireland shall have power to enforce the provisions of this Part of this Act in Northern Ireland, and for that purpose may employ the inspector appointed by the Ministry under section eight of the Pharmacy and Poisons Act (Northern Ireland), 1925.

PART III**GENERAL****Application of Statutory Instruments Act, 1946, to regulations.**

16. Any power conferred by this Act to make regulations shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

17.—(1) In the application of this Act to Northern Ireland, 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.

PART III
—cont.
General provisions as to Northern Ireland.

(2) Rules may be made under section sixty-one of the Supreme Court of Judicature Act (Ireland), 1877, as in force in Northern Ireland, regulating the practice, procedure and costs of appeals under the proviso to subsection (4) of section two of this Act.

(3) For the purposes of section six of the Government of Ireland Act, 1920, this Act shall be deemed to be an Act passed before the day appointed for the purposes of that section, but nothing in this section shall be construed as extending the legislative powers of the Parliament of Northern Ireland under section four of that Act.

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

Repeal and savings.

(2) In so far as any regulation made, or having effect as if made, licence issued or other thing done under an enactment repealed by this Act could have been made, issued or done under a corresponding provision of this Act, it shall not be invalidated by the repeal effected by the foregoing subsection but shall have effect as if it had been made, issued or done under that corresponding provision.

(3) Any document referring to an Act or enactment repealed by this Act shall be construed as referring to this Act or the corresponding enactment therein.

(4) For the purpose of determining the punishment which may be imposed on a person in respect of an offence under any provision of this Act, an offence committed by him under the corresponding provision of an enactment repealed by this Act shall be deemed to have been committed under the first-mentioned provision.

(5) The mention of particular matters in this section shall be without prejudice to the general application of subsection (2) of section thirty-eight of the Interpretation Act, 1889, with regard to the effect of repeals.

19.—(1) This Act may be cited as the Therapeutic Substances Act, 1956.

Short title and commencement.

(2) This Act shall come into operation at the expiration of one month beginning with the date of its passing.

SCHEDULES

FIRST SCHEDULE

SUBSTANCES TO WHICH PART I OF THIS ACT APPLIES

1. The substances commonly known as vaccines, sera, toxins, antitoxins and antigens.
2. Arsphenamine and analogous substances used for the specific treatment of infective disease.
3. Preparations of the specific antidiabetic principle of the pancreas, known as insulin.
4. Preparations of the posterior lobe of the pituitary body intended for use by injection.

Section 18.

SECOND SCHEDULE

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
15 & 16 Geo. 5. c. 60.	The Therapeutic Substances Act, 1925.	The whole Act.
10 & 11 Geo. 6. c. 29.	The Penicillin Act, 1947	The whole Act.
11 & 12 Geo. 6. c. 52.	The Veterinary Surgeons Act, 1948.	In section twenty-three, the words " and (e) section one of the Penicillin Act, 1947". In the Second Schedule, paragraph 5.
14 & 15 Geo. 6. c. 13.	The Penicillin (Merchant Ships) Act, 1951.	The whole Act.
1 & 2 Eliz. 2. c. 32.	The Therapeutic Substances (Prevention of Misuse) Act, 1953.	The whole Act.

— 00 —

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Pharmacy Act, 1852	15 & 16 Vict. c. 56.
Veterinary Surgeons Act, 1881	44 & 45 Vict. c. 62.
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Merchant Shipping Act, 1894	57 & 58 Vict. c. 60.
Government of Ireland Act, 1920	10 & 11 Geo. 5. c. 67.
Therapeutic Substances Act, 1925	15 & 16 Geo. 5. c. 60.
Pharmacy and Poisons Act, 1933	23 & 24 Geo. 5. c. 25.
Veterinary Surgeons Act, 1948	11 & 12 Geo. 6. c. 52.
Pharmacy Act, 1954	2 & 3 Eliz. 2. c. 61.

CHAPTER 26

Police (Scotland) Act, 1956

ARRANGEMENT OF SECTIONS

Police Forces and Police Authorities

Section

1. Police areas for which police forces are to be maintained.
2. Police authorities.
3. Establishments of police forces.
4. General functions of constables.
5. Execution of warrants in border counties of England and Scotland.

Administration of Police Forces

6. Appointment and tenure of office of chief constables.
7. Appointment and tenure of office of constables other than chief constables.
8. Declaration to be made by constables on appointment.
9. Ranks.
10. Deputy chief constables.
11. Regulations as to government and administration of police forces.
12. Pay, allowances, expenses and rewards.
13. Non-police employees.
14. Equipment.
15. Land and buildings.

Mutual Aid of Police Forces

16. Aid of one police force by another.

Amalgamation of Police Forces

17. Voluntary schemes for amalgamation of police forces.
18. Power of Secretary of State to make amalgamation schemes.
19. Transitory provisions.
20. Amendment and revocation of amalgamation schemes.
21. Compensation of officers prejudicially affected by amalgamation schemes.
22. Chief constables of police forces affected by amalgamation schemes.
23. Provisions as to constables serving on overseas police service.

Offences and Legal Proceedings

24. Assaulting, etc., a constable in the execution of his duty.
25. Causing disaffection, etc.
26. Unauthorised use of police uniform, etc.
27. Offences by constables.
28. Warrants to search for police accoutrements and clothing.

Miscellaneous

29. Central training and other common services.
30. Police Grant.
31. Watching of premises under agreement with occupier.
32. Extra policing of localities where works are being constructed.
33. Inspectors of constabulary.
34. Annual and other reports by chief constables.
35. Criminal statistics.

*Supplemental***Section**

- 36. Regulations and orders.
- 37. Local enactments.
- 38. Repeals and savings.
- 39. Financial provisions.
- 40. Interpretation.
- 41. Short title, extent and commencement.

SCHEDULES:

First Schedule—Burghs for which (subject to amalgamation schemes) Police Forces are to be maintained.

Second Schedule—Transitory provisions for the purposes of Amalgamation Schemes.

Third Schedule—Enactments repealed.

An Act to consolidate with amendments certain enactments relating to police forces in Scotland and to the execution of warrants in the border counties of England and Scotland. [15th March, 1956]

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:—

Police Forces and Police Authorities

Police areas for which police forces are to be maintained.

1.—(1) Subject to the provisions of any amalgamation scheme a police force shall be maintained for every county in Scotland and for every burgh mentioned in the First Schedule to this Act, and the provisions of this Act shall have effect in relation to any police force so maintained and to the constables thereof.

(2) If at any time a burgh not mentioned in the said First Schedule has, according to the last published census, a population of not less than fifty thousand, the town council of the burgh may apply to the sheriff for an order establishing a separate police force for the burgh, and on any such application the sheriff, on being satisfied that the population of the burgh is as aforesaid, shall make an order accordingly.

(3) An order under the last foregoing subsection may include such transitory and consequential provisions, and such provision as to the expenses of the application, as the sheriff may think fit.

(4) Upon the making of an order under subsection (2) of this section this Act shall (subject to any such provisions as are mentioned in the last preceding subsection) have effect as if the burgh to which the order relates were mentioned in the said First Schedule.

(5) Subject to the provisions of this Act relating to amalgamation schemes any reference in any enactment including this Act to a police area or police district shall be construed as a reference to an area for which a police force falls to be maintained in pursuance of this section, or would apart from the said provisions fall to be so maintained, and shall include a reference to the territorial waters, if any, adjacent to such area.

(6) Any reference in any enactment including this Act to the chief constable or another constable of, or appointed for, any area or district shall be construed as a reference to the chief constable or another constable, as the case may be, of the police force maintained for the police area comprising that area or district.

(7) In this section "sheriff" does not include "sheriff-substitute".

2. For every police area which is a burgh, the town council, and for every police area which is a county, the county council, shall be the police authority and, subject to the provisions of any amalgamation scheme, shall have in relation to that area, and to the police force maintained for that area or for any combined area comprising that area, the powers and duties conferred or imposed upon police authorities by this Act.

3.—(1) A police force shall consist of a chief constable and—

(a) permanent and probationary whole-time constables (hereafter in this Act referred to as "regular constables"), and

(b) part-time constables (hereafter in this Act referred to as "special constables")

not exceeding such number in each case as may from time to time be authorised by the police authority with the consent of the Secretary of State, and may in addition include temporary whole-time constables (hereafter in this Act referred to as "temporary constables") not exceeding such number as may be so authorised.

(2) In deciding the number of regular constables to be authorised under the last preceding subsection for a police force the police authority shall take no account of the number of special or temporary constables authorised or to be authorised for the force.

(3) The chief constable of a police force may maintain lists of persons who undertake to hold themselves available for appointment, in such circumstances as may be specified in the undertaking, as temporary constables of the force, and may arrange for such persons, with their consent, to receive from time to time training in the functions of constables in accordance with such conditions as may be prescribed.

**General
functions of
constables.**

4.—(1) Subject to the provisions of this Act it shall be the duty of the constables of a police force, under the direction of the appropriate chief constable—

- (a) to guard, patrol and watch so as—
 - (i) to prevent the commission of offences against the law,
 - (ii) to preserve order, and
 - (iii) to protect life and property ;
- (b) where any such offence as aforesaid has been committed (whether within the police area for which the police force is maintained or otherwise), to take all lawful measures, and make such reports to the appropriate prosecutor, as may be necessary for the purpose of bringing the offender with all due speed to justice ;
- (c) to serve and execute when required any warrant, citation or deliverance issued, or process duly endorsed, by a Lord Commissioner of Justiciary, sheriff, justice of the peace, or magistrate of a burgh, being a warrant, citation, deliverance or process relating to any criminal proceeding ;
- (d) to attend any court of law for the purpose of giving evidence :

Provided that a special constable shall not be required or entitled to exercise the functions of a constable otherwise than—

- (a) in an emergency,
- (b) for the purpose of preventing or suppressing riot or tumult, or
- (c) when with his own consent he is assigned by the chief constable for duty for the purpose of enabling him to gain practical experience of police work.

(2) The preceding subsection shall be without prejudice to the duty of a constable under any other enactment or the common law, but the performance of any such duty shall be subject to the direction of the appropriate chief constable.

(3) In directing the constables of a police force in the performance of their duty (whether under subsection (1) of this section or otherwise) the appropriate chief constable shall comply with

such lawful instructions (whether general or as respects any particular case) as he may receive—

- (a) as respects any place in a burgh from the magistrates of the burgh, and
- (b) as respects any place not in a burgh, from the sheriff having jurisdiction in the place:

Provided that in relation to the investigation of offences the chief constable shall comply with such lawful instructions as he may receive from the appropriate prosecutor.

(4) For the purposes of the performance of any duty (whether under this section or otherwise) a constable of a police force shall have all the powers and privileges vested in a constable under this Act or at common law—

- (a) throughout the police area for which the force is maintained,
- (b) throughout any police area in which the constable is for the time being required to serve in pursuance of the provisions of this Act relating to the mutual aid of police forces,
- (c) throughout any police area having a common boundary with any police area mentioned in either of the two last preceding paragraphs, and
- (d) so far as necessary for the purpose of escorting a person in custody from one place to another in pursuance of a lawful direction, throughout any police area:

Provided that this subsection shall be without prejudice to any special powers conferred by any other enactment upon constables for a particular purpose.

(5) The preceding provisions of this section shall not apply to any constable who is for the time being suspended from duty in accordance with any regulations made under this Act.

(6) In this section “appropriate chief constable”, in relation to any constable, means—

- (a) if the constable is for the time being serving, in pursuance of the provisions of this Act relating to the mutual aid of police forces, with a police force other than that in which he holds his appointment, the chief constable of the first-mentioned force, and
- (b) in any other case, the chief constable of the police force in which the constable holds his appointment;

and “sheriff”, except in paragraph (c) of subsection (1), does not include “sheriff-substitute”.

Execution of warrants in border counties of England and Scotland.

5.—(1) It shall be lawful for any constable appointed for any one of the border counties of England or Scotland respectively, that is to say the counties of Northumberland, Cumberland, Berwick, Roxburgh or Dumfries, to execute within any of those counties the lawful warrant of any sheriff, justice of the peace or other magistrate for the apprehension of any person accused or convicted of a criminal offence committed, or for the recovering of any goods alleged to have been stolen, within the county for which the constable is appointed, in like manner as the warrant might be executed by that constable within the last mentioned county.

(2) In the preceding subsection—

- (a) references to the counties of Northumberland and Cumberland shall be construed as including references respectively to a combined area within the meaning of the Police Act, 1946, comprising Northumberland and to such a combined area comprising Cumberland, and
- (b) references to the counties of Berwick, Roxburgh and Dumfries shall be construed as including references to a combined area within the meaning of this Act comprising any one of those counties.

(3) This section shall extend to the whole of Great Britain.

Administration of Police Forces

Appointment and tenure of office of chief constables.

6.—(1) Subject to any regulations made under section eleven of this Act, and to the provisions of paragraph (a) of subsection (2) of section seventeen of this Act, a person shall be appointed to the office of chief constable of a police force by the police authority with the approval of the Secretary of State.

(2) It shall be competent for one person to hold at one time the office of chief constable of more than one police force:

Provided that nothing in this subsection shall authorise the chief constable of any police force to accept appointment as chief constable of another police force without the consent of the police authority of the police area for which the first-mentioned force is maintained.

(3) Subject to the next following subsection, a person appointed to the office of chief constable of a police force—

- (a) may resign his appointment in accordance with regulations made under section eleven of this Act, or
- (b) may in accordance with regulations made as aforesaid be required by the police authority to resign his appointment, or

(c) may in accordance with regulations made as aforesaid be dismissed by the police authority,

but otherwise shall remain in office until the termination of his appointment by death or the expiration of any period of tenure specified in the terms thereof, whichever event shall first occur.

(4) Nothing in the last preceding subsection shall prejudice the operation of subsection (2) of section twenty-two of this Act, or of any enactment providing for retirement by virtue of section one of the Police Pensions Act, 1948.

7.—(1) Subject to any regulations made under section eleven of this Act and to the provisions of paragraph (a) of subsection (2) of section seventeen of this Act, a person shall be appointed to the office of constable of a police force (other than that of chief constable) by the chief constable of the force.

Appointment and tenure of office of constables other than chief constables.

(2) Subsections (3) and (4) of the last preceding section shall apply to a constable of a police force (other than the chief constable) as they apply to the chief constable, with the substitution for any reference to the police authority of a reference to the person who is, in relation to the constable, the appropriate disciplinary authority as defined by subsection (5) of section eleven of this Act.

8. A person appointed to the office of constable of a police force shall on appointment make, before a sheriff, justice of the peace or burgh magistrate, a declaration in such terms as may be prescribed concerning the proper discharge of the duties of the office.

Declaration to be made by constables on appointment.

9.—(1) The Secretary of State may prescribe the ranks which may be held by constables, which shall include ranks to be known respectively as “chief constable”, “assistant chief constable”, “chief superintendent” and “superintendent”.

Ranks.

(2) The number of constables of each rank in any police force shall not exceed such number as may from time to time be authorised by the police authority with the consent of the Secretary of State.

(3) A constable of a police force holding the office of chief constable of the force shall have the rank of chief constable, and every other constable of the force shall have such rank as may from time to time be assigned to him by the chief constable in accordance with any regulations made under section eleven of this Act as to promotion:

Provided that there shall not be assigned to any constable at any time without his consent a rank lower than that which he then has, except in accordance with regulations made as aforesaid as to discipline.

Deputy chief constables.

10.—(1) The chief constable of a police force may, with the consent of the police authority, appoint as his deputy any person who immediately before the appointment was serving as a constable in any police force in Great Britain, and references in this Act or any other enactment to a deputy chief constable, or to the deputy chief constable of a particular police force, shall be construed as references to a person holding an appointment under this section, or, as the case may be, to the person holding such an appointment under the chief constable of that force.

(2) An appointment made by a chief constable under the last preceding subsection may be terminated by the chief constable with the consent of the police authority.

(3) Upon the occurrence of a vacancy in the office of chief constable of a police force the person (if any) holding an appointment as deputy chief constable of the force shall continue to hold that appointment until—

- (a) the filling of the vacancy, or
- (b) the expiration of a period of three months beginning on the occurrence of the vacancy,

whichever shall first occur, and no longer :

Provided that—

- (i) the period mentioned in paragraph (b) of this subsection may be extended or further extended from time to time by the police authority with the consent of the Secretary of State ; and
- (ii) nothing in this subsection shall prevent a re-appointment of the same person under this section as deputy chief constable of the force.

(4) A deputy chief constable of a police force shall have all the powers and duties of the chief constable of the force—

- (a) during any absence, incapacity or suspension from duty of the chief constable, and
- (b) during any period when he is holding his appointment by virtue of the last preceding subsection.

(5) A deputy chief constable of a police force shall, on his appointment as such, be deemed also to be appointed to the office of constable of the force, unless he then holds that office.

Regulations as to government and administration of police forces.

11.—(1) Subject to the provisions of subsection (6) of this section the Secretary of State shall make regulations as to the government and administration of police forces.

(2) Without prejudice to the generality of the preceding subsection, any such regulations may include provisions—

- (a) providing for the maintenance of discipline in police forces, for the determination by the appropriate

disciplinary authority of questions whether offences against discipline have been committed by constables and for the punishment by the appropriate disciplinary authority, by way of dismissal, requirement to resign, reduction in rank, reduction in rate of pay, fine, reprimand or caution, of any constable who is found in the manner so provided to have committed any such offence ;

- (b) prescribing the qualifications for appointment of constables and, in the case of regular constables (other than chief constables), providing for an initial period of service on probation within which such constables may be required to resign their appointments otherwise than in respect of an offence against discipline ;
- (c) prescribing the circumstances in which a special or temporary constable may be required to resign his appointment otherwise than in respect of an offence against discipline ;
- (d) prescribing the circumstances in which a constable may resign his appointment voluntarily (whether with a view to accepting appointment as a constable in another police force in Great Britain or otherwise) ;
- (e) prescribing the circumstances in which a constable may be temporarily suspended from duty ;
- (f) as to the pay and allowances, the promotion and the conditions of service of constables ;
- (g) applying to special constables, subject to such modifications as may be prescribed, any enactment relating to the grant of pensions to regular constables injured, and of pensions or gratuities to the dependants of such constables killed, in the execution of their duty ;
- (h) providing for the maintenance of personal records of constables ; and
- (i) regulating the issue, use and return of the accoutrements and clothing required by constables for the execution of their duty and prescribing the pattern and scale of provision by police authorities of such accoutrements and clothing, and of any other equipment, vehicles and apparatus required for the purposes of police forces.

(3) Regulations made under this section shall provide for the making of such arrangements as to the hours of duty of constables as shall secure that every constable (not being above such

rank as may be specified in the regulations) shall be allowed at least fifty-two days in a year on which he is not required to perform police duty, save on occasions of emergency, such days being distributed throughout the year with the object of securing, so far as practicable, to every such constable one day's rest in every seven.

(4) Subject to the provisions of this section regulations under this section may make different provision for different classes of constable and for constables of different rank.

(5) For the purposes of this section and any regulations made thereunder the appropriate disciplinary authority shall be—

- (a) in relation to the chief constable of a police force, the police authority ;
- (b) in relation to any constable of a police force (other than the chief constable) having the rank of assistant chief constable or holding the appointment of deputy to the chief constable, the police authority ; and
- (c) in relation to any other constable of a police force, the chief constable of the force :

Provided that in relation to any such other constable in whose case the chief constable of the force is interested otherwise than as chief constable or is a material witness the appropriate disciplinary authority shall, if either the constable or the chief constable so elect, be the chief constable of such other police force as may be determined by or under the regulations.

(6) Before making any regulations under this section the Secretary of State shall submit a draft thereof either—

- (a) to a police council held under paragraph 18 of the Schedule to the Police Act, 1919, as modified by any order made under section thirteen of that Act, or
- (b) to the Joint Central Committee and to such bodies or associations as appear to him to be representative of police authorities, chief constables and superintendents respectively,

and shall consider any representations made as to the draft by that council or, as the case may be, by the Joint Central Committee or any of those bodies or associations.

12.—(1) The police authority shall pay to the constables of a police force pay and allowances in accordance with regulations made under section eleven of this Act, and shall reimburse to such constables any expenses reasonably incurred by them in the performance of their duty, being expenses of a kind approved either generally or in particular cases by the Secretary of State. Pay, allowances, expenses and rewards.

(2) On the recommendation of the chief constable of a police force the police authority may pay such sums by way of reward as they think fit—

- (a) to any constable (other than the chief constable) of the police force who in their opinion has conducted himself in the performance of his duty with exceptional merit, or
- (b) to any constable (other than the chief constable) of another police force who, while serving with the first mentioned force in pursuance of the provisions of this Act relating to the mutual aid of police forces, has in their opinion conducted himself in the performance of his duty with exceptional merit, or
- (c) to any person other than a constable who in their opinion has substantially contributed to the fulfilment of the functions of the police force :

Provided that the aggregate of payments made under this subsection by a police authority in any year shall not exceed such sum as may be approved by the Secretary of State.

13. The police authority may employ for the assistance of the constables of a police force such number of officers (not being constables) as may from time to time be fixed by the authority with the consent of the Secretary of State. Non-police employees.

14. The police authority may, subject to any regulations made under section eleven of this Act, provide and maintain such vehicles, apparatus, accoutrements, clothing and other equipment as may be required for the purposes of a police force. Equipment.

15.—(1) The police authority may, subject to the consent of the Secretary of State, provide and maintain such land and buildings and other structures, and make such alterations in any buildings and other structures already provided, as may be required for the purposes of a police force (including cells for the temporary confinement of persons taken into police custody, and dwelling houses or other housing accommodation for constables). Land and buildings.

(2) A police authority may be authorised by the Secretary of State to acquire compulsorily land required for the purposes of their functions under this Act, and the Acquisition of Land

(Authorisation Procedure) (Scotland) Act, 1947, shall apply as if this section had been in force immediately before the commencement of that Act.

(3) For the purposes of the last preceding subsection and of Part VIII of the Local Government (Scotland) Act, 1947, (which relates to the acquisition of, and dealing in, land by local authorities) any land required, acquired, appropriated or held for the purposes of a police force shall be deemed to be required, acquired, appropriated or held, as the case may be, for the purposes of the functions of the police authority under this Act.

(4) The Sixth Schedule to the Local Government (Scotland) Act, 1947 (which specifies enactments for the purposes of which money may be borrowed by local authorities repayable within periods other than thirty years), shall have effect as though there were added in the first column thereof a reference to this section except so much thereof as relates to dwelling houses and other housing accommodation and in the second column thereof, opposite that reference, the words "Such period not exceeding thirty years as the Secretary of State may fix."

Mutual Aid of Police Forces

Aid of one
police force
by another.

16.—(1) If it appears to the chief constable of a police force that the resources of the force are insufficient to meet any particular circumstances he may apply for assistance to the chief constable of any other police force, and the second-mentioned chief constable may thereupon arrange for such assistance to be given from the resources of that other force as in his opinion the circumstances of that other force permit.

(2) If the chief constable of a police force is unable by means of applications made under the foregoing subsection to obtain, or to obtain at the time required, the amount of assistance which in his opinion is needed by the police force, he may apply to the Secretary of State, and the Secretary of State may thereupon, if it appears to him to be necessary or expedient in the interests of public safety or the maintenance of public order, direct the chief constable of any other police force to arrange for the provision from the resources of that other force of such assistance to the first-mentioned force as may be specified in the directions.

(3) A copy of any directions given to the chief constable of any police force under the last foregoing subsection shall be sent to the police authority for the area for which that force is maintained and shall be binding on them so far as it affects their functions in relation to that force.

(4) The cost of any assistance given under any of the foregoing provisions of this section from the resources of a police force shall be divided between the police authorities concerned in such

manner as may be agreed between them, or, in default of such agreement, as may be provided by any agreement subsisting at the time between all police authorities generally, or, in default of any agreement, as may be directed by the Secretary of State.

Amalgamation of Police Forces

17.—(1) If it appears to the police authorities for any two or more police areas that it is expedient that those areas should be combined for police purposes, they may for that purpose submit to the Secretary of State a scheme (hereafter in this Act referred to as an “amalgamation scheme”) and the Secretary of State may by order approve any scheme so submitted to him.

Voluntary schemes for amalgamation of police forces.

(2) Subject to the provisions of this Act an amalgamation scheme shall make provision with regard to the following matters—

- (a) the dis-establishment of the police forces maintained for the several police areas, the establishment and maintenance of a police force for the combined area, the appointment of the first chief constable of that force, and the transfer to that force of constables of the forces previously maintained for the several police areas comprised in the combined area ;
- (b) the constitution for the purposes of the next following paragraph in relation to that force of a joint police committee consisting of such number of persons, being members of the constituent authorities, as may be specified in the scheme ;
- (c) the delegation to the joint police committee of the whole functions relating to police of the constituent authorities (except their power to levy a rate, their functions under this section, and such other functions as may be specified in the scheme) ;
- (d) the payment by the constituent authorities in such proportions as may be specified in the scheme of the expenditure incurred by the joint police committee in the performance of the functions delegated to them ;
- (e) the audit of the accounts of the joint police committee by an auditor appointed by the Secretary of State and the application to such audit of the provisions of Part X of the Local Government (Scotland) Act, 1947.

(3) The reference in paragraph (d) of the last preceding subsection to the expenditure incurred by the joint police committee is a reference to so much of the net expenditure of the committee as is not reimbursed to the committee under section thirty of this Act by sums paid out of moneys provided by Parliament.

(4) Subject to the provisions of this Act, an amalgamation scheme may make provision with regard to all or any of the following matters—

- (a) the transfer of property, rights and liabilities ;
- (b) the adjustment of liabilities between the constituent authorities ;
- (c) the settlement of differences between the constituent authorities ;
- (d) the transfer to the joint police committee of officers of any of the constituent authorities ;
- (e) the furnishing, on such terms and conditions as may be specified in the scheme, by one of the constituent authorities of any service connected with the administration of the police force maintained for the combined area ;
- (f) any other matters incidental to or consequential on the provisions contained in the scheme.

(5) The Secretary of State may, after consultation with the constituent authorities concerned, by order provide for the incorporation of any joint police committee, with perpetual succession and a common seal, and for conferring on such a committee power to hold land or to borrow money.

(6) The expenses incurred by a constituent authority for the purpose of the payment to the joint police committee of the expenditure referred to in paragraph (d) of subsection (2) of this section shall be defrayed in like manner as expenses of that authority for the purposes of their functions relating to police would have required to be defrayed if the amalgamation scheme had not been made.

(7) For the purposes of the Local Government Superannuation (Scotland) Act, 1937, the appropriate superannuation fund in relation to the contributory employees of a joint police committee shall be the superannuation fund of such one of the constituent authorities as may be determined by or under the amalgamation scheme.

(8) Where an amalgamation scheme is to come into operation on a date subsequent to that on which it is approved, any appointment to be made, direction to be given or other thing to be done for the purposes of the scheme may be made, given or done at any time after the approval of the scheme so far as may be necessary for the purpose of bringing the scheme into operation on the first-mentioned date.

(9) Unless the context otherwise requires—

- (a) any reference in any enactment including this Act to a police area or police district shall be construed as including a reference to a combined area ; and

(b) in relation to a police force maintained for a combined area any reference in any enactment including this Act to the police authority shall be construed as a reference to the police authorities for the several police areas comprised in the combined area, without prejudice however to any delegation of functions to the joint police committee by or under the amalgamation scheme.

18.—(1) Subject to the provisions of this section, if it appears to the Secretary of State that the expediency in the interests of efficiency of making an amalgamation scheme for any police areas should be considered, and no scheme satisfactory to him has been submitted to him by the police authorities for those areas under the last preceding section before such date as he may fix, the Secretary of State may in accordance with the subsequent provisions of this section by order make such scheme as he considers expedient, and the provisions of the last preceding section shall apply in relation to any such scheme as they apply in relation to schemes made under that section, with the substitution in subsection (8) for any reference to the approval of a scheme of a reference to the making of a scheme.

Power of Secretary of State to make amalgamation schemes.

(2) Before making a scheme under this section the Secretary of State shall give to the police authorities concerned notice of the general nature of the proposed scheme ; and unless those authorities give notice to the Secretary of State that they assent thereto, the Secretary of State shall publish in one or more newspapers circulating in the areas of the authorities a notice of the general nature of the proposed scheme and shall cause a local inquiry to be held by a person appointed by him (not being an officer of police or of any government department).

(3) Any local inquiry held under the last preceding subsection shall be held in public, and the provisions of subsections (3) to (9) of section three hundred and fifty-five of the Local Government (Scotland) Act, 1947, shall have effect in relation thereto.

(4) A draft of any statutory instrument embodying an order under this section, together with a copy of the proposed scheme to which the order applies, shall be laid before Parliament ; and where a local inquiry has been held under this section with respect to the proposed scheme a copy of the report of the person by whom the inquiry was held shall also be laid before Parliament with the said draft.

19.—(1) The transitory provisions set out in the Second Transitory Schedule to this Act shall have effect for the purposes of the provisions, alterations effected by virtue of an amalgamation scheme.

(2) Where, immediately before the date on which an amalgamation scheme came into operation, proceedings were pending by or against any authority with respect to any property, rights or liabilities which are transferred by virtue of the scheme, those proceedings may be carried on thereafter with the substitution, for that authority, of the authority to whom the property, rights or liabilities are transferred.

Amendment
and
revocation of
amalgamation
schemes.

20.—(1) An amalgamation scheme made under section seventeen or eighteen of this Act may be amended or revoked by a subsequent scheme made under either of those sections, and the foregoing provisions of this Act, including the provisions of the Second Schedule to this Act, shall, so far as applicable, have effect in relation to any such amending or revoking scheme subject to any necessary modifications and to the following provisions of this section.

(2) Without prejudice to the generality of the provisions of subsection (1) of this section, provision may be made by any such subsequent scheme—

- (a) for the division of the combined area into any two or more areas, being either police areas comprised in the combined area or new combined areas constituted by the subsequent scheme, or for the inclusion in the combined area of any additional police area ;
- (b) for the establishment or re-establishment and maintenance of police forces for any areas into which the combined area is divided as aforesaid ;
- (c) for the dissolution and winding up of any joint police committee constituted under the original scheme, or for the reconstitution of any such committee ;
- (d) for the transfer or retransfer to such police forces as may be determined by the subsequent scheme of constables of the force maintained for the combined area ;
- (e) for the transfer or retransfer to such authorities as may be determined by the subsequent scheme of any officers, property, rights or liabilities of the joint police committee ;
- (f) for any other matters incidental to or consequential on the provisions of the subsequent scheme.

Compensation
of officers
prejudicially
affected by
amalgamation
schemes.

21.—(1) If in consequence of an amalgamation scheme or of anything done thereunder any person who, immediately before the date when the scheme came into operation, was an officer employed by a constituent authority or by a joint police committee, suffers direct pecuniary loss by reason of the determination of his employment or the diminution of his emoluments he shall,

unless provision for his compensation for that loss is made by or under any other enactment for the time being in operation, be entitled to receive compensation under this section from such constituent authority or joint police committee as may be determined by or under that scheme.

(2) Any person who immediately before the date on which an amalgamation scheme came into operation, was an officer employed by a constituent authority or by a joint police committee and who, at any time within five years after the said date—

- (a) has his services dispensed with or his emoluments reduced, otherwise than on the ground of misconduct, or
- (b) relinquishes office by reason of his having been required to perform duties which are not analogous or which are an unreasonable addition to those which he was required to perform immediately before that date,

shall, for the purposes of this section be deemed, unless the contrary is shown, to have suffered a direct pecuniary loss by reason of the determination of his appointment or the diminution of his emoluments in consequence of the scheme.

(3) For the purposes of the determination and payment of compensation under this section the provisions of section three hundred and eighteen of and the Eleventh Schedule to the Local Government (Scotland) Act, 1947, shall be incorporated with this section subject to such modifications as the Secretary of State may prescribe for the purpose of adapting those provisions to claims under this section.

22.—(1) The chief constable of a police force shall not be transferred by an amalgamation scheme to the police force established by the scheme unless he is appointed as the first chief constable of that force or unless before the date when the scheme comes into operation he agrees to join that force in some other capacity. Chief constables of police forces affected by amalgamation schemes.

(2) A chief constable who is not transferred as aforesaid shall be deemed to have retired from his police force immediately before the date when the scheme came into operation, and during the period of three months beginning with the said date (or, if within those three months he joins the police force established by the scheme, during the period beginning with the said date and ending with the day before the date on which he joins that force) he shall be entitled to be paid by the joint police committee a salary and emoluments at the same rate as the salary and emoluments which he would have been entitled to receive had he continued to be the chief constable of his police force.

Provisions as to constables serving on overseas police service.

23.—(1) In relation to a person who has engaged in accordance with the provisions of section two of the Police (Overseas Service) Act, 1945, for a period of overseas service, and who, before he so engaged, was either—

(a) a member of a transferred force ; or

(b) a person to whom section one of the Police and Firemen (War Service) Act, 1939, applied, having ceased to serve as a constable in a transferred force in order to serve in Her Majesty's forces,

the provisions of the said section two shall, if he so engaged before the date when the amalgamation scheme came into operation, have effect, in relation to any period after that date, as if for any reference therein to his home police force there were substituted a reference to the new force, and references in that section to the appropriate authority shall be construed accordingly.

(2) Nothing in the last preceding subsection shall be construed as entitling a person who has engaged for a period of overseas service to revert to the new force as the chief constable of that force ; but where any person who immediately before he so engaged was the chief constable of a transferred force would but for this provision be so entitled to revert to the new force, then, if he does not join that force in some capacity other than that of chief constable at the end of his period of overseas service in pursuance of an agreement in that behalf made by him during that period, subsection (2) of the last preceding section shall apply to him as if for any reference therein to the date when the amalgamation scheme came into operation there were substituted a reference to the end of his period of overseas service.

(3) In this section the expressions "transferred force" and "new force" have the same meanings as they have for the purpose of the Second Schedule to this Act, and the expression "overseas service" has the same meaning as it has for the purposes of the Police (Overseas Service) Act, 1945.

Offences and Legal Proceedings

Assaulting, etc., a constable in the execution of his duty.

24.—(1) Any person who assaults, resists, obstructs, molests or hinders a constable in the execution of his duty or any person assisting such a constable, or who rescues or attempts to rescue or assists or attempts to assist the escape of any person in custody shall be guilty of an offence and on summary conviction shall be liable to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment :

Provided that in relation to a second or subsequent offence within two years of the conviction in respect of the last preceding

offence this subsection shall have effect with the omission of any reference to a fine and with the substitution for the words "three months" of the words "nine months".

(2) Any reference in this section to a person in custody shall be construed as a reference to a person—

- (a) who is in the lawful custody of a constable or any person assisting a constable to execute his duty, or
- (b) who is in the act of eluding or escaping from such custody, whether or not he has actually been arrested.

25.—(1) Any person who causes, or attempts to cause, or does any act calculated to cause disaffection amongst the constables of any police force maintained under this Act, or induces, or attempts to induce, or does any act calculated to induce any constable of any such police force to withhold his services or to commit breaches of discipline, shall be guilty of an offence, and shall be liable on conviction on indictment to imprisonment for a period not exceeding two years, or on summary conviction to imprisonment for a period not exceeding three months, or to a fine not exceeding fifty pounds, or to both such imprisonment and fine.

Causing disaffection, etc.

(2) Any person convicted of an offence against this section shall be permanently disqualified from becoming or remaining a constable.

26.—(1) Subject to the provisions of this section any person who—

Unauthorised use of police uniform, etc.

- (a) takes the name, designation or character of a constable for the purpose of obtaining admission into any house or other place or of doing or procuring to be done any act which such person would not be entitled to do or procure to be done of his own authority, or for any other unlawful purpose, or
- (b) wears any article of police uniform without the permission of the police authority for the police area in which he is, or
- (c) has in his possession any article of police uniform without being able to account satisfactorily for his possession thereof,

shall be guilty of an offence and on summary conviction shall be liable to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding three months.

(2) Nothing in the preceding subsection shall make it an offence to wear any article of police uniform in the course of taking part in a stage play, or music hall or circus performance, or of performing in or producing a cinematograph film or television broadcast.

B*

(3) In this section “article of police uniform” means any article of uniform or any distinctive badge or mark usually issued by any police authority to constables, or any article having the appearance of such article, badge or mark.

Offences by constables.

27.—(1) Any person who, being a constable, wilfully absents himself from duty as such otherwise than in accordance with regulations made under section eleven of this Act shall be guilty of an offence.

(2) Any person who, being a constable, neglects or violates his duty as such shall be guilty of an offence.

(3) Any person who, being or having been a constable of any police force, fails without reasonable excuse to return to the chief constable of the force (or other person appointed by the chief constable for the purpose), immediately upon being ordered to do so or upon ceasing to be a constable of the force, any accoutrements or clothing which have been issued to him for the execution of his duty, shall be guilty of an offence.

(4) Any person guilty of an offence against this section shall, without prejudice to the operation of any regulation made under this Act, or to any civil proceedings, be liable on summary conviction to a fine not exceeding ten pounds or to imprisonment for a period not exceeding sixty days.

Warrants to search for police accoutrements and clothing.

28. If a sheriff, justice of the peace or magistrate of a burgh is satisfied on information on oath that there has been a failure to return duly any accoutrements or clothing issued to a constable for the execution of his duty, and that any of the said accoutrements or clothing are in any premises or place, the sheriff, justice of the peace or magistrate may grant a warrant to any constable named therein to enter the said premises or place at any reasonable hour, if necessary by force, and to search the same, and to seize and detain any of the said accoutrements or clothing which he may find therein.

Miscellaneous

Central training and other common services.

29.—(1) The Secretary of State may provide courses for constables of police forces, and may for that purpose, if he thinks fit, establish and maintain one or more central training institutions (including such instructing and administrative staff, and such land, buildings and equipment, as he may consider expedient).

(2) The Secretary of State may make arrangements for the attendance of constables of police forces at courses provided (whether in Scotland or elsewhere) otherwise than under the preceding subsection.

(3) Before providing any courses, or making any arrangements, under the preceding provisions of this section the Secretary of State shall consult the Joint Central Committee and such bodies or associations as appear to him to be representative of police authorities, chief constables and superintendents respectively.

(4) Where a constable of a police force, with the consent of the chief constable, undertakes temporary service as a member of the instructing staff of any central training institution established under subsection (1) of this section, such service shall be deemed, for the purposes of this Act and any Act relating to police pensions and (in either case) any enactment made thereunder, to be service as a constable of the said police force.

(5) One half of the expenses incurred by the Secretary of State in establishing and maintaining any central training institution under subsection (1) of this section shall be recoverable by him from police authorities (not being constituent authorities) and from joint police committees in such proportions as may be determined by him after consulting such bodies or associations as appear to him to be representative of police authorities; and any expenses falling on a police authority or joint police committee by virtue of this subsection shall be defrayed in like manner as other expenses incurred by the authority or committee for the purposes of this Act.

(6) The Secretary of State, after consulting such bodies or associations as appear to him to be representative of police authorities, may by order apply the last preceding subsection to the expenses incurred by him in providing any other service for the purposes of police forces generally.

(7) In this section "courses" means courses of instruction in matters relating to police service.

30.—(1) There shall be paid out of moneys provided by Parliament towards the expenses of police authorities and joint police committees for the purposes of this Act, other than those expenses to which subsection (6) of section seventeen of this Act, or subsection (5) of the last preceding section, applies or may for the time being apply, such sums, at such times, in such manner and subject to such conditions as the Secretary of State may, with the approval of the Treasury, by order determine. Police Grant.

(2) The Secretary of State may deduct from any sum payable by him under the preceding subsection to any police authority or joint police committee any sum due by that authority or committee to him by virtue of subsection (5) of the last preceding section or by virtue of that subsection as applied by any order under subsection (6) of that section.

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

Watching of premises under agreement with occupier.

31.—(1) The police authority for any police area may enter into an agreement with the occupier of any premises or land in the area, on such terms as may be specified in the agreement, for the guarding, patrolling and watching of the premises or land by constables of the police force maintained for the area.

(2) The power conferred upon a police authority by the preceding subsection may be delegated by them, subject to such limitations and conditions as may be specified in the delegation, to the chief constable of the police force.

Extra policing of localities where works are being constructed.

32.—(1) Where—

(a) by reason of the construction of works on or over land in any part of a police area the number of people resident in that part of the area is temporarily increased to an abnormal extent, and

(b) the police authority for the area consider it expedient because of the circumstances aforesaid that the number of constables available for duty in that part of the area should be increased during the continuance of the said circumstances,

the police authority may direct the chief constable of the police force maintained for the area to make such arrangements as he considers necessary (whether by the appointment of temporary constables or otherwise) for increasing the number of constables so available accordingly.

(2) Where such arrangements as are mentioned in the preceding subsection have been made the police authority may recover from the occupier of the land (or, if the occupier proves that some other person is responsible for the construction of the works, from that other person) such sums representing the cost necessarily incurred in each year in pursuance of the arrangements as may be agreed, or as may be fixed by a single arbiter appointed (in default of agreement as to the appointment) by the sheriff.

(3) The provisions of this section shall be without prejudice to the provisions of subsection (3) of section four of this Act.

(4) In this section “sheriff” does not include “sheriff-substitute”.

Inspectors of constabulary.

33.—(1) Her Majesty may appoint for the purposes aforesaid such number of inspectors (hereafter in this Act referred to as “inspectors of constabulary”) as the Secretary of State with the consent of the Treasury may determine, and of the persons so appointed one may be appointed as chief inspector of constabulary.

(2) The inspectors of constabulary shall hold office during Her Majesty's pleasure and shall be paid out of moneys provided by Parliament such salaries and allowances as the Treasury may determine.

(3) It shall be the duty of the inspectors of constabulary under the direction of the Secretary of State to visit and inquire into the state and efficiency of the police forces and of the buildings and equipment used by such forces.

(4) Such of the inspectors of constabulary as may be directed in that behalf by the Secretary of State shall annually, at such time as may be so directed, submit to the Secretary of State a written report on the state and efficiency of the police forces generally, and the Secretary of State shall cause a copy of every such annual report to be laid before each House of Parliament.

34.—(1) Subject to the provisions of this section the chief constable of a police force shall whenever required by any of the authorities specified in the next following subsection submit to that authority a report on such matters as may be so required, being matters connected with the policing of the area for which the force is maintained. Annual and other reports by chief constables.

(2) The authorities referred to in the preceding subsection are:—the Secretary of State, the sheriff having jurisdiction in any part of the area, the magistrates of any burgh comprising any part of the area, and the police authority.

(3) Nothing in the preceding provisions of this section shall require a chief constable to submit to the magistrates of any burgh or to any sheriff a report on matters which are not connected with the policing, respectively, of the burgh or of places in which the sheriff has jurisdiction.

(4) The chief constable of a police force shall before the thirty-first day of May in each year submit to the police authority a general report in writing on the policing, during the year ended on the thirty-first day of December last preceding, of the area for which the force is maintained, and shall send a copy of the report to each of the other authorities specified in subsection (2) of this section.

(5) In this section “sheriff” does not include “sheriff-substitute”.

35.—(1) The chief constable of a police force shall, at such times and in such form as the Secretary of State may direct, transmit to the Secretary of State and to the police authority a statement with respect to the police area for which the force Criminal statistics.

is maintained, showing for the year to the thirty-first day of December last preceding—

- (a) the number of offences reported to the police ;
- (b) the number of persons taken into custody by the police ;
- (c) the nature of the charges made against such persons respectively ;
- (d) the number of cases in which further criminal proceedings were taken and the result of any such proceedings ;
- (e) any further statistical information relating to the state of crime as the chief constable may think material or as the Secretary of State may direct.

(2) The Secretary of State shall cause a consolidated and classified abstract of the reports mentioned in the preceding subsection to be prepared and laid before Parliament and shall cause a copy of such abstract to be sent to each police authority.

(3) To enable a chief constable to perform the duty imposed on him by subsection (1) of this section—

- (a) he shall keep, and maintain up to date at all times, sufficient records of all the matters specified in the said subsection, and
- (b) he shall be entitled to obtain from the clerk of any court having criminal jurisdiction in any part of the area such information regarding those matters as may be available to the clerk and necessary for the purpose.

Supplemental

Regulations and orders.

36.—(1) The Secretary of State shall have power to make regulations prescribing any thing which may be prescribed under this Act.

(2) Any power conferred by this Act (except section one thereof) to make regulations or orders shall be exercisable by statutory instrument, and except where otherwise provided any such statutory instrument shall be laid before Parliament after being made.

(3) Any power conferred by this Act (except section one thereof) to make an order shall include power to vary or revoke, by a subsequent order, any order made thereunder.

Local enactments.

37. The provisions of this Act shall have effect in substitution for the corresponding provisions of any local enactment with respect to the maintenance of police forces by a county council or a town council, and every such corresponding provision shall cease to have effect :

Provided that this section shall not apply to any such corresponding provision specified by the Secretary of State by order made before the commencement of this Act.

38.—(1) Subject to the provisions of this section the enactments mentioned in the Third Schedule to this Act (being enactments which, to the extent specified in the third column of that Schedule, are superseded by this Act or are otherwise obsolete) are hereby repealed to the extent so specified. Repeals and savings.

(2) Nothing in this Act shall affect any regulation, order, scheme, agreement or appointment made, or direction given, or any other thing done under any enactment repealed by this Act, but any such regulation, order, scheme, agreement, appointment, direction or thing shall, if and in so far as it is in operation at the commencement of this Act, continue in operation so far as it could have been made, given or done under a corresponding provision of this Act and shall have effect as if it had been made, given or done under that corresponding provision.

(3) Any reference in any document having effect at the commencement of this Act to any enactment repealed by this Act shall be construed as a reference to this Act or the corresponding provision of this Act.

(4) The mention of particular matters in this section shall be without prejudice to the provisions of section thirty-eight of the Interpretation Act, 1889 (which relates to the effect of repeals).

(5) So much of this section as relates to section eleven of the Police (Scotland) Act, 1857, and to subsection (2) of section twenty of, and paragraph 5 of the First Schedule to, the Police Act, 1946, shall extend to the whole of Great Britain.

39.—(1) There shall be defrayed out of moneys provided by Parliament— Financial provisions.

(a) any increase attributable to the passing of this Act in the sums payable out of moneys so provided under any enactment providing for the payment of Exchequer grants towards the expenses of police authorities and joint police committees in Scotland; and

(b) any expenses incurred by the Secretary of State under this Act.

(2) Any sums which by virtue of any provision of this Act are received by the Secretary of State from police authorities or joint police committees, or deducted by him from moneys otherwise payable by him to any such authority or committee, shall be paid into the Exchequer.

Interpretation. 40.—(1) In this Act unless the context otherwise requires the following expressions shall have the meanings hereby assigned to them, that is to say—

“amalgamation scheme” means a scheme made under section seventeen or eighteen of this Act or any corresponding provisions repealed by this Act, and “amending scheme” and “revoking scheme” mean respectively a scheme amending or revoking an amalgamation scheme;

“burgh” has the same meaning as in the Local Government (Scotland) Act, 1947;

“combined area” means the area consisting of the police areas combined by an amalgamation scheme;

“constable” means a constable (including the chief constable) of a police force; and “regular constable”, “special constable”, and “temporary constable” have the meanings assigned to them by subsection (1) of section three of this Act;

“constituent authority” means a police authority which is a party to an amalgamation scheme;

“enactment” includes an order, regulation or other instrument having effect by virtue of an Act;

“functions” includes powers and duties;

“Joint Central Committee” means the three central committees of the Police Federation established for Scotland under section one of the Police Act, 1919, acting together as a joint committee;

“land” includes land covered by water;

“officer” includes “servant”;

“police area” has the meaning assigned to it by subsection (5) of section one, as read with subsection (9) of section seventeen of this Act;

“police authority” has the meaning assigned to it by section two of this Act as read with subsection (9) of section seventeen of this Act.

“police force” means a police force maintained under this Act for a police area or a combined area;

“prescribe” means prescribe by regulations made under this Act, and “prescribed” shall be construed accordingly.

“rank” means a rank prescribed under section nine of this Act.

(2) Any reference in this Act to a county shall, unless the context otherwise requires, be construed as a reference to the

county inclusive of any burgh situated therein which is not mentioned in the First Schedule to this Act, and section one hundred and eighteen of the Local Government (Scotland) Act, 1947 (which relates to the combination of certain counties for certain purposes), shall have effect accordingly.

(3) Any reference in this Act to the functions of a police force shall, unless the context otherwise requires, be construed as a reference to the functions of the constables of that force generally.

(4) Any reference in this Act or any other enactment to the chief constable, or chief officer, of a police force shall, unless the context otherwise requires, be construed as including a reference to any other constable of the force who, during a vacancy in the office of the chief constable or during any absence of the chief constable from duty, is responsible for performing the functions of that office.

(5) Any reference in this Act to persons holding the rank of superintendent shall, unless the context otherwise requires, be construed as including a reference to persons holding the rank of chief superintendent.

(6) Any reference in this Act to any other enactment shall, unless the context otherwise requires, be construed as a reference to that enactment as amended by or under any other enactment, including this Act.

(7) In this Act the expression "under this Act", and any other expression describing any matter or thing by reference to this Act or to any enactment in this Act, shall be construed as including a reference to any Act repealed by this Act or to the corresponding provision of any Act so repealed.

41.—(1) This Act may be cited as the Police (Scotland) Act, 1956.

(2) Except where otherwise provided, this Act shall extend to Scotland only.

(3) This Act shall come into operation on such day as the Secretary of State may appoint by order made by statutory instrument.

Short title,
extent and
commence-
ment.

SCHEDULES

Sections 1, 40.

FIRST SCHEDULE

*Burghs for which (subject to amalgamation schemes)
Police Forces are to be maintained*

The burgh of Aberdeen
 The burgh of Airdrie
 The burgh of Arbroath
 The burgh of Ayr
 The burgh of Coatbridge
 The burgh of Dumbarton
 The burgh of Dumfries
 The burgh of Dundee
 The burgh of Dunfermline
 The burgh of Edinburgh
 The burgh of Glasgow
 The burgh of Greenock
 The burgh of Hamilton
 The burgh of Inverness
 The burgh of Kilmarnock
 The burgh of Kirkcaldy
 The burgh of Motherwell and Wishaw
 The burgh of Paisley
 The burgh of Perth
 The burgh of Stirling

Sections 19, 20.

SECOND SCHEDULE

*Transitory Provisions for the Purposes of
Amalgamation Schemes*

1. All members of a police force who are transferred by an amalgamation scheme shall be deemed to have been duly appointed and attested under this Act as constables of the new force, and shall hold in that force the same ranks respectively as they held immediately before the date of such transfer in the transferred force.

2. Where immediately before the date when an amalgamation scheme comes into operation a constable of a transferred force is entitled to appeal to a Secretary of State under the Police (Appeals) Acts, 1927 and 1943, or where any such member has appealed to a Secretary of State under the said Acts before the said date but the appeal has not been determined, the disciplinary authority for the new force shall be the respondent for the purposes of the appeal and in the case of a pending appeal shall be substituted as respondent for the disciplinary authority of the transferred force.

3. Any register kept in pursuance of any enactment by the chief constable of a transferred force shall be transferred by him to the chief constable of the new force as soon as may be after the date when the scheme came into operation, and as from that date shall be deemed to form part of the corresponding register kept by that chief constable.

2ND SCH.
—*cont.*

4. Subject to the preceding provisions of this Schedule, anything done before the date when an amalgamation scheme comes into operation by, to or before the police authority for any police area comprised in the combined area, or by, to or before the chief constable of a transferred force, shall, in so far as may be necessary for the purpose or in consequence of the provisions of this Act or of the scheme, have effect after that date as if it had been done by, to or before the joint police committee or the chief constable of the new force.

5. In this Schedule the expression “transferred force” means the police force maintained for any police area comprised in a combined area, and “new force” means the police force established by any amalgamation scheme, and any reference to attestation includes a reference to making a declaration under section eight of this Act.

6. This Schedule shall have effect in relation to an amending or revoking scheme with the substitution where necessary—

- (a) for any reference to an amalgamation scheme, of a reference to the amending or revoking scheme,
- (b) for any reference to the combined area, of a reference to such area as may be prescribed by the amending or revoking scheme, and
- (c) for any reference to a police area comprised in a combined area, of a reference to the combined area under the scheme being amended or revoked;

and for this purpose the expression “new force” shall be construed as including a reference to a police force re-established by an amending or revoking scheme.

THIRD SCHEDULE

Section 38.

Enactments repealed

Session and Chapter	Short Title	Extent of Repeal
1 & 2 Geo. 4. c. 88.	The Rescue Act, 1821 ...	The whole Act.
11 Geo. 4. & 1 Will. 4. c. 37.	The Criminal Law (Scotland) Act, 1830.	Section fifteen.
20 & 21 Vict. c. 72.	The Police (Scotland) Act, 1857.	The whole Act.
21 & 22 Vict. c. 65.	The Police (Scotland) Act, 1858.	The whole Act.
32 & 33 Vict. c. 33.	The Judicial Statistics (Scotland) Act, 1869.	Section five.
34 & 35 Vict. c. 112.	The Prevention of Crimes Act, 1871.	Section twelve.
48 & 49 Vict. c. 75.	The Prevention of Crimes Amendment Act, 1885.	The whole Act.
52 & 53 Vict. c. 50.	The Local Government (Scotland) Act, 1889.	Sections thirteen and ninety-seven.

3RD SCH.
—cont.

Session and Chapter	Short Title	Extent of Repeal
53 & 54 Vict. c. 67.	The Police (Scotland) Act, 1890.	The whole Act.
55 & 56 Vict. c. 55.	The Burgh Police (Scotland) Act, 1892.	Sections seventy-eight to eighty, eighty-two to ninety-eight, four hundred and sixty-nine, four hundred and ninety-four and five hundred and two.
4 & 5 Geo. 5. c. 8.	The Police (Weekly Rest Day) (Scotland) Act, 1914.	The whole Act.
4 & 5 Geo. 5. c. 53.	The Special Constables (Scotland) Act, 1914.	The whole Act.
4 & 5 Geo. 5. c. 61.	The Special Constables Act, 1914.	The whole Act.
9 & 10 Geo. 5. c. 46.	The Police Act, 1919 ...	Sections three, four and ten.
13 & 14 Geo. 5. c. 11.	The Special Constables Act, 1923.	Sections one, two and four. In section five the words from "and sections ninety-six" to the end of the section.
19 & 20 Geo. 5. c. 25.	The Local Government (Scotland) Act, 1929.	In section three, subsections (3) to (6). In section five, subsection (6).
8 & 9 Geo. 6. c. 11.	The Police (His Majesty's Inspectors of Constabulary) Act, 1945.	The whole Act.
9 & 10 Geo. 6. c. 26.	The Emergency Laws (Transitional Provisions) Act, 1946.	The Second Schedule so far as it amends section four of the Special Constables Act, 1923.
9 & 10 Geo. 6. c. 46.	Police Act, 1946 ...	In subsection (2) of section twenty, the words "Except so far as it amends section eleven of the Police (Scotland) Act, 1857"; in the Second Schedule, paragraph 5.
9 & 10 Geo. 6. c. 71.	The Police (Scotland) Act, 1946.	The whole Act.

Table of Statutes referred to in this Act.

Short Title	Session and Chapter
Police (Scotland) Act, 1857	20 & 21 Vict. c. 72.
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Police Act, 1919	9 & 10 Geo. 5. c. 46.
Police (Appeals) Act, 1927	17 & 18 Geo. 5. c. 19.
Local Government Superannuation (Scotland) Act, 1937	1 Edw. 8. & 1 Geo. 6. c. 69.
Police and Firemen (War Service) Act, 1939 ...	2 & 3 Geo. 6. c. 103.
Police (Appeals) Act, 1943	6 & 7 Geo. 6. c. 8.
Police (Overseas Service) Act, 1945	9 & 10 Geo. 6. c. 17.
Police Act, 1946	9 & 10 Geo. 6. c. 46.
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.
Police Pensions Act, 1948	11 & 12 Geo. 6. c. 24.

CHAPTER 27

An Act to indemnify Charles Beattie, Esquire, from any penal consequences which he may have incurred by sitting and voting as a member of the House of Commons while holding the office or place of member of certain panels constituted in pursuance of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1946, and the National Insurance Act (Northern Ireland) 1946, or of member of an appeal tribunal constituted in pursuance of the National Assistance Act (Northern Ireland) 1948. [15th March, 1956]

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. Charles Beattie, Esquire, is hereby discharged, freed and Indemnity. indemnified from all penal consequences whatsoever which he may have incurred by sitting or voting as a member of the Commons House of Parliament at any time before the passing of this Act, while holding the office or place of member of panels constituted for purposes of local tribunals in pursuance of section forty-three of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1946, and of regulations made under section forty of the National Insurance Act (Northern Ireland) 1946, or the office or place of member of an appeal tribunal constituted in pursuance of section twenty-six of the National Assistance Act (Northern Ireland) 1948.

2. This Act may be cited as the Charles Beattie Indemnity Short title. Act, 1956.

CHAPTER 28

An Act to make provision with respect to agricultural research.
[15th March, 1956]

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:—

Provision for
agricultural
research.

1.—(1) Without prejudice to any powers of the Minister of Agriculture, Fisheries and Food or of the Secretary of State, the Agricultural Research Council shall be charged, subject to any directions from time to time given by a Committee of the Privy Council for agricultural research consisting of the Lord President of the Council and such other members as Her Majesty may from time to time appoint, with the organisation and development of agricultural research, and may in particular establish or develop institutions or departments of institutions, and make grants, for investigation and research relating to the advancement of agriculture.

(2) There shall be established an Agricultural Research Fund into which shall be paid—

- (a) such moneys as may from time to time be provided by Parliament for the purposes of this Act; and
- (b) any sums held or hereafter received by the Agricultural Research Council, including any sums received by way of gift,

and out of which shall be paid all expenses incurred by the Agricultural Research Council under this Act or in accordance with the terms of that Council's charter as for the time being in force.

(3) Payments out of and into the Agricultural Research Fund, and all other matters relating to that fund and the moneys standing to the credit of that fund, shall be made and regulated by the Agricultural Research Council in such manner as the Treasury may from time to time direct.

(4) The Agricultural Research Council may from time to time invest any moneys standing to the credit of the Agricultural Research Fund in any securities in which trustees are by law authorised to invest trust funds.

(5) The Agricultural Research Council shall in respect of each financial year prepare in such form and manner as the Treasury may direct an account showing the receipts into and issues out of the Agricultural Research Fund during that year and shall, on or before the thirtieth day of November next following the expiration of the financial year in question, transmit that account 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.

(6) The Agricultural Research Council shall in respect of each year prepare and submit to the Committee of the Privy Council aforesaid a report of the proceedings of the Agricultural Research Council during that year, and the Lord President of the Council shall cause copies of that report to be laid before each House of Parliament.

(7) For the purposes of the Ministers of the Crown (Transfer of Functions) Act, 1946, the expression "Minister of the Crown" in that Act shall include the Committee of the Privy Council aforesaid.

2.—(1) This Act may be cited as the Agricultural Research Act, 1956. Short title, commencement and extent.

(2) This Act shall come into force on the first day of April, nineteen hundred and fifty-six.

(3) Without prejudice to any powers conferred on the Agricultural Research Council by their charter as for the time being in force, subsection (1) of section one of this Act shall not extend to Northern Ireland.

CHAPTER 29

Dentists Act, 1956

ARRANGEMENT OF SECTIONS

The General Dental Council

Section

1. Establishment of General Dental Council.

Dissolution of Dental Board

2. Dissolution of Dental Board and consequential provisions.

Dental education and examinations

3. The Education Committee.
4. Appointment of visitors of dental schools.
5. Transfer of functions relating to courses of study and examinations.

Disciplinary provisions

6. Transfer of disciplinary duties to committees of the Council.
7. Proceedings in disciplinary cases.
8. Assessor in disciplinary cases.
9. Adoption in disciplinary cases of findings of fact in other proceedings.
10. Appeals in disciplinary cases.
11. Restoration of name erased in a disciplinary case.
12. Co-operation with Dental Board of Republic of Ireland.
13. Transitional provisions.

The register

14. Power to make regulations.
15. Miscellaneous amendments relating to register.
16. Registration in Commonwealth and foreign lists.
17. Persons in Commonwealth and foreign lists qualifying for registration in main list.

Ancillary Dental Workers

Section

18. Power of Council to create classes of ancillary dental workers.
19. Restrictions on employment of ancillary dental workers.
20. Duty to make arrangements for experimental scheme.
21. Termination of experimental scheme.
22. Establishment of Ancillary Dental Workers Committee.

Restrictions on carrying on the business of dentistry

23. Restriction on individuals.
24. Restrictions on bodies corporate.
25. Exemptions.
26. Meaning of "business of dentistry".

Miscellaneous

27. Use by unregistered persons of titles and descriptions connected with dentistry.
28. Prohibition on practice of dentistry by laymen.
29. Conditions under which students may undertake dental work.
30. Use by dentists of titles and descriptions.
31. Minor amendments.

Supplemental

32. Service of notices by registrar.
33. Evidence in proceedings before Council and Disciplinary Committee.
34. Rules, regulations, orders and other instruments.
35. Interpretation.
36. Application to Northern Ireland.
37. Short title, citation, repeals and commencement.

SCHEDULES:

- First Schedule.—The General Dental Council and its Committees.
 Second Schedule.—Enactments repealed.

An Act to amend the law relating to dentists.

[15th March, 1956]

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

The General Dental Council

Establishment
of General
Dental
Council.

1.—(1) With a view to making the dental profession a self-governing profession, there shall be established, in accordance with the provisions of this Act, a body to be called the General Dental Council whose general concern it shall be to promote high standards of professional education and professional conduct among dentists and who shall in particular perform the functions assigned to them by this Act.

(2) Part I of the First Schedule to this Act shall have effect with respect to the General Dental Council.

Dissolution of Dental Board

2.—(1) The Dental Board of the United Kingdom (hereinafter referred to as “the Dental Board”) shall be dissolved and all property, rights and liabilities of that Board shall by virtue of this Act be transferred to and vest in the General Dental Council: Dissolution of Dental Board and consequential provisions.

Provided that stamp duty shall not be chargeable under section twelve of the Finance Act, 1895 (which relates to duty on property vested by Act of Parliament) in respect of property vested by virtue of this subsection.

(2) The employees of the Dental Board, including the registrar and any assistant registrar, shall be transferred to the employment of the General Dental Council and the Privy Council may by statutory instrument make regulations for compensating, out of the funds of the General Dental Council, such of those employees as suffer loss of employment or loss or diminution of emoluments attributable to the provisions of this Act.

(3) The term of office of those who are members of the Dental Board at the passing of this Act shall not expire until the coming into force of subsection (1) of this section, but no casual vacancy in the membership of the Board occurring after the passing of this Act shall be filled.

Dental education and examinations

3.—(1) The General Dental Council shall set up an Education Committee and shall refer to the Committee for advice on all matters relating to dental education and examinations. The Education Committee.

(2) Paragraph 11 of Part II of the First Schedule to this Act shall have effect as respects the Education Committee.

4.—(1) The General Dental Council may appoint persons to visit, subject to any directions which the Privy Council may deem it expedient to give and to compliance with any conditions specified in those directions, places where instruction is given to dental students under the direction of any medical authority for the purposes of the Dentists Act, 1878, who grant diplomas in dental surgery or dentistry. Appointment of visitors of dental schools.

Such a medical authority as aforesaid is hereafter in this Act referred to as a “dental authority”.

(2) It shall be the duty of visitors appointed under this section to report to the Council as to the sufficiency of the instruction given in the places which they visit and as to any other matters relating to the instruction which may be specified by the Council either generally or in any particular case; but no visitor shall interfere with the giving of any instruction.

(3) On the receipt of a report of a visitor under this section, the Council shall send a copy of the report to the dental authority in question, and on the receipt of the copy the dental

authority may, within such period (not being less than one month) as the Council may have specified at the time they sent the copy of the report, make to the Council observations on the report or objections thereto.

(4) As soon as may be after the expiration of the period specified under the last foregoing subsection the Council shall send a copy of any such report as is therein referred to and of any observations thereon or objections thereto duly made together with the Council's comments on the report and on any such observations or objections to the Privy Council.

(5) The Council shall have power to remunerate members of the Council, as well as non-members, for acting as visitors under this section and the remuneration shall be at such rates as the Privy Council may approve.

Transfer of functions relating to courses of study and examinations.

5.—(1) The functions of the General Medical Council under sections twenty-two to twenty-seven of the Dentists Act, 1878 (which relate to courses of study and examinations) shall be transferred to the General Dental Council.

(2) The persons who may under section twenty-two of the said Act be present at examinations shall be members of or persons appointed by the General Dental Council and the General Dental Council shall have power to remunerate members of the Council, as well as non-members, for being present at the examinations mentioned in that section.

(3) In accordance with the foregoing provisions a reference to the General Dental Council shall be substituted for each reference to the General Medical Council in the said sections twenty-two to twenty-seven.

(4) Section twenty-eight of the said Act (which is not yet in force and which makes provision for the conduct of qualifying examinations by special boards instead of by the authorities who are medical authorities for the purposes of the said Act) shall not come into force.

Disciplinary provisions

Transfer of disciplinary duties to committees of the Council.

6.—(1) The General Dental Council shall set up a committee for the preliminary consideration of disciplinary cases and shall set up a Disciplinary Committee.

(2) The two committees shall be respectively constituted in accordance with paragraph 12 and paragraph 13 of Part II of the First Schedule to this Act.

(3) It shall be the function of the said committee for the preliminary consideration of disciplinary cases to decide whether a case of a person alleged to be liable to have his name erased under the second paragraph of section thirteen of the Dentists Act, 1878 (which relates to registered dentists convicted of crime

or guilty of infamous or disgraceful conduct in a professional respect) ought to be referred to the Disciplinary Committee to be dealt with by them in accordance with the following provisions of this section.

Such cases are hereafter in this Act referred to as "disciplinary cases".

(4) The Disciplinary Committee shall hold an inquiry into any case referred to them by the other committee and the Disciplinary Committee, if satisfied as to the facts rendering the person in question liable to have his name erased, may determine that the name of that person shall be erased from the register.

(5) Where the Disciplinary Committee determine that a person's name shall be erased from the register, the registrar shall serve on him a notification of the determination of the Committee.

(6) On the establishment of the General Dental Council the following provisions of section thirteen of the Dentists Act, 1878, that is to say, the words from "The Board may" to the words "for further inquiry and report" (under which the functions conferred by this section on committees of the General Dental Council are conferred on the General Medical Council and the Dental Board) and the original paragraph for which those words were substituted by paragraph (b) of subsection (1) of section eight of the Dentists Act, 1921, shall cease to have effect.

7.—(1) Subject to the provisions of this section, the General Dental Council shall make rules as to the procedure to be followed and rules of evidence to be observed in proceedings before the Disciplinary Committee under the last foregoing section and in particular—

Proceedings in disciplinary cases.

- (a) for securing that notice that the proceedings are to be brought shall be given, at such time and in such manner as may be specified in the rules, to the person to whose registration the proceedings relate ;
- (b) for securing that any party to the proceedings shall, if he so requires, be entitled to be heard by the Committee ;
- (c) for enabling any party to the proceedings to be represented by counsel or solicitor, or (if the rules so provide and the party so elects) by a person of such other description as may be specified in the rules ;
- (d) for requiring proceedings before the Committee to be held in public except in so far as may be provided by the rules ;

(e) for requiring, in cases where it is alleged that a registered dentist has been guilty of infamous or disgraceful conduct in a professional respect, that where the Committee judge that the allegation has not been proved they shall record a finding that the dentist is not guilty of such conduct in respect of the matters to which the allegation relates.

(2) Before making rules under this section the Council shall consult such bodies of persons representing dentists as appear to the Council requisite to be consulted.

(3) Rules under this section shall not come into force until approved by order of the Privy Council contained in a statutory instrument, and the Privy Council may approve such rules either as submitted to them or subject to such modifications as appear to them requisite:

Provided that where the Privy Council propose to approve any rules subject to modifications they shall notify to the General Dental Council the modifications they propose to make and consider any observations of the General Dental Council thereon.

Assessor in
disciplinary
cases.

8.—(1) For the purpose of advising the Disciplinary Committee on questions of law arising in proceedings before them in disciplinary cases there shall in all such proceedings be an assessor to the Committee who shall be a barrister, advocate or solicitor of not less than ten years standing.

(2) The power of appointing assessors under this section shall be exercisable by the General Dental Council but if no assessor appointed by them is available to act at any particular proceedings the Disciplinary Committee may appoint an assessor under this section to act at those proceedings.

(3) The Lord Chancellor may by statutory instrument make rules as to the functions of assessors appointed under this section, and, in particular, rules under this subsection may contain such provisions for securing—

(a) that where an assessor advises the Committee on any question of law as to evidence, procedure or any other matters specified in the rules, he shall do so in the presence of every party, or person representing a party, to the proceedings who appears thereat or, if the advice is tendered after the Committee have begun to deliberate as to their findings, that every such party or person as aforesaid shall be informed what advice the assessor has tendered;

(b) that every such party or person as aforesaid shall be informed if in any case the Committee do not accept the advice of the assessor on any such question as aforesaid,

and such incidental and supplementary provisions, as appear to the Lord Chancellor expedient.

(4) Subject to the provisions of this section, an assessor under this section may be appointed either generally or for any particular proceedings or class of proceedings, and shall hold and vacate office in accordance with the terms of the instrument under which he is appointed.

(5) Any remuneration paid by the General Dental Council to persons appointed to act as assessors shall be at such rates as the Privy Council may approve.

9.—(1) In an inquiry under this Act whether a person has been guilty of any infamous or disgraceful conduct in a professional respect, a finding of fact which is shown to have been made in any matrimonial proceedings in the United Kingdom or the Republic of Ireland, being proceedings in the High Court or the Court of Session or on appeal from a decision in such proceedings, shall be conclusive evidence of the fact found. Adoption in disciplinary cases of findings of fact in other proceedings.

(2) Where a dental authority in exercise of a power conferred by law strike the name of a person who is a registered dentist off a list of their graduates or licentiates in dental surgery or dentistry and notify to the General Dental Council the fact of the striking-off—

- (a) the registrar shall make a note of the fact in the register ; and
- (b) if the dental authority notify to the Council the findings of fact on which the decision to strike off the name was based, then for the purposes of any such inquiry as is mentioned in subsection (1) of this section the findings may, if the body holding the inquiry think fit, be treated as conclusive of the facts found.

10.—(1) At any time within twenty-eight days from the service of a notification that the Disciplinary Committee have determined under the foregoing provisions of this Act that the name of a person shall be erased from the register, that person may, in accordance with such rules as Her Majesty in Council may by Order provide for the purposes of this section, appeal to Her Majesty in Council ; and the Judicial Committee Act, 1833, shall apply in relation to the Disciplinary Committee as it applies to such courts as are mentioned in section three of that Act (which provides for the reference to the Judicial Committee of the Privy Council of appeals to Her Majesty in Council). Appeals in disciplinary cases.

(2) The General Dental Council may appear as respondent on any such appeal ; and for the purpose of enabling directions to be given as to the costs of any such appeal the Council shall be deemed to be a party thereto, whether they appear on the hearing of the appeal or not.

(3) Where no appeal is brought against the determination or where such an appeal is brought but withdrawn or struck out for want of prosecution, the determination shall take effect on the expiration of the time for appealing, or, as the case may be, on the withdrawal or striking out of the appeal.

(4) Subject as aforesaid, where an appeal is brought against the determination the determination shall take effect if and when the appeal is dismissed and not otherwise.

(5) No appeal shall lie against such a determination as aforesaid under section nine of the Dentists Act, 1921 (which provides for an appeal to the High Court).

Restoration of name erased in a disciplinary case.

11.—(1) Where, either before or after the coming into force of this section, a person's name has been erased from the register in consequence of a decision in a disciplinary case, the name of that person shall not again be entered in the register except by direction of the General Dental Council, but the Council may direct that the name of that person shall be restored to the register :

Provided that an application for the restoration of a name to the register shall not be made to the Council—

- (a) within ten months from the date of erasure ; or
- (b) within ten months from a previous application.

(2) The General Dental Council shall refer to the Disciplinary Committee for determination by them any application under the foregoing subsection made after the Disciplinary Committee has been set up.

Co-operation with Dental Board of Republic of Ireland.

12.—(1) With a view to preventing the holding of simultaneous inquiries—

- (a) the General Dental Council shall report to the Dental Board of the Republic of Ireland every case in which it is proposed, in connection with the exercise of the disciplinary powers of the Council or of the Council's committees, to hold an inquiry into the conduct in the United Kingdom of a person registered in the dental register of the Republic of Ireland ;
- (b) where the General Dental Council receives a report from the Dental Board of the Republic of Ireland as to a proposal to hold an inquiry in connection with the exercise of the disciplinary powers of that Board, the Council and the Council's committees shall have regard to the desirability of postponing inquiry by them into the matter to which the report relates until the inquiry by the Dental Board of the Republic of Ireland is completed.

(2) The General Dental Council shall report to the Dental Board of the Republic of Ireland every case in which disciplinary action resulting in erasure from the register is taken against a person registered in the dental register of the Republic of Ireland.

13.—(1) Where, either before or after the passing of this Act but before the date of the establishment of the General Dental Council, the Dental Board, after holding an inquiry in a disciplinary case, postponed their decision whether or not to report to the General Medical Council that the Dental Board were satisfied that the person concerned ought to have his name erased from the register, and that decision is still postponed at that date, the power to make that decision shall on that date be transferred to the General Dental Council, so as to enable the General Dental Council, without reporting to the General Medical Council, to decide whether to have the name of that person erased from the register. Transitional provisions.

(2) At any time before the committee for the preliminary consideration of disciplinary cases and the Disciplinary Committee have been set up, but not more than twelve months after the establishment of the General Dental Council, the Council themselves may cause an inquiry to be made in a disciplinary case, and, whether or not the said committees have been set up or the said period of twelve months has elapsed, may carry through the inquiry and, if satisfied as to the facts rendering the person concerned so liable, may decide that his name shall be erased from the register.

(3) Where, before the date hereinafter mentioned, the power of making a decision whether or not a person's name ought to be erased has by virtue of subsection (1) or subsection (2) of this section become exercisable by the General Dental Council, that power, if still unexercised, shall on that date be transferred to the Disciplinary Committee; and, where after that date the General Dental Council in concluding an inquiry under this section find that a person is liable to have his name erased but postpone their decision, the power of making that decision shall forthwith be transferred to the Disciplinary Committee.

The date referred to is, if the Disciplinary Committee is set up within the period of twelve months from the establishment of the General Dental Council, the date on which that period expires and, if that Committee is not set up within that period, the date on which it is set up.

(4) Where the power of making a decision to erase a person's name is transferred by virtue of this section, any conditions subject to which the decision was postponed shall be observed by the body to whom the power is transferred.

(5) If under this section either the General Dental Council or the Disciplinary Committee decide that a person's name shall be erased from the register, the registrar shall serve on that person a notification of the decision, and section ten of this Act shall apply in relation to that decision as it applies in relation to a determination of the Disciplinary Committee.

The register

Power to make regulations.

14.—(1) The General Dental Council may make regulations with respect to the form and keeping of the register and the making of entries and erasures therein and, in particular—

- (a) prescribing a fee to be charged on the entry of a name in the register or on the restoration of any entry to the register ;
- (b) prescribing a fee to be charged in respect of the retention in the register of the name of a person first registered after the commencement of the Dentists Act, 1921, in any year subsequent to the year in which that person was first registered ;
- (c) providing for the registration in and removal from the register of additional diplomas of prescribed kinds held by a registered dentist and prescribing a fee to be charged in respect of the registration ;
- (d) authorising the registrar, notwithstanding anything in this or any other Act, to refuse to make in or restore to the register any entry until a fee prescribed by regulations under this section has been paid ;
- (e) providing for the inclusion in the copy of the register published under subsection (3) of section eleven of the Dentists Act, 1878, of honours or distinctions accorded to a person in the register, subject to the inclusion in the copy of the register of an indication that those honours and distinctions do not form part of the register itself.

(2) Regulations under this section may authorise the registrar to erase from the register the name of a person who, after such notices and warnings as may be prescribed by the regulations, fails to pay a fee prescribed under paragraph (b) of the foregoing subsection and, where a person's name is so erased, that name may be restored to the register on that person's application.

(3) Regulations under this section prescribing fees may provide for the charging of different fees in different classes of cases.

(4) Regulations under this section prescribing fees or authorising the registrar to erase a person's name for non-payment of a fee shall not come into force until approved by order of the Privy Council ; and the Privy Council shall not approve any

regulations under this section prescribing a fee of an amount exceeding five pounds unless in their opinion a fee of that amount is justified by changes in circumstances which have taken place since the passing of this Act.

(5) Subsection (6) of section eleven of the Dentists Act, 1878, and subsection (3) of section eight of the Dentists Act, 1921 (which confer power to make orders and regulations as to matters which can be dealt with by regulations under subsection (1) of this section) and, so far as it confers power to make regulations with respect to such matters, section seven of the said Act of 1921, shall cease to have effect but any orders or regulations made under those provisions which are in force immediately before the commencement of this section shall continue in force and may be varied or revoked by regulations under this section.

15.—(1) The duty under the first paragraph of section thirteen of the Dentists Act, 1878, of causing incorrect or fraudulent entries in the register to be erased shall be transferred to the General Dental Council but where after the Disciplinary Committee has been set up a question arises whether an entry is fraudulent, it shall be referred to and determined by the Disciplinary Committee.

Miscellaneous
amendments
relating to
register.

(2) Where, either before or after the coming into force of this subsection, a person's name has been erased under the said first paragraph on the ground that it was entered fraudulently, that name shall not again be entered in the register except on an application in that behalf to the General Dental Council, and on any such application the General Dental Council may, if they think fit, direct that the person shall not be registered, or shall not be registered until the expiration of such period as may be specified in the direction.

(3) The General Dental Council shall refer to the Disciplinary Committee for determination by them any application under the last foregoing subsection made after the Disciplinary Committee has been set up.

(4) Where a person's name has, either before or after the coming into force of this subsection, been erased from the register either under subsection (3) of section twelve of the Dentists Act, 1878 (which relates to the erasure of names of persons who have ceased to practise) or at his request, the name may be restored to the register on his application unless the original entry of his name was incorrectly or fraudulently made.

(5) No appeal shall lie under section nine of the Dentists Act, 1921, against any refusal or failure to register a person's name in the register, being a refusal or failure to comply with a request made after the coming into force of this subsection; and no appeal shall lie under that section against the removal after the

C

coming into force of this subsection of a person's name from the register on grounds other than those mentioned in the second paragraph of section thirteen of the Dentists Act, 1878.

(6) The duty under subsection (3) of section eleven of the Dentists Act, 1878, of printing and publishing a copy of the register shall be transferred to the General Dental Council and no copy shall by virtue of the said subsection (3) be admissible as evidence of any honours or distinctions included in the copy by virtue of regulations under the last foregoing section.

(7) The last paragraph of section thirteen of the Dentists Act, 1878 (which requires the making of erasures from lists of licentiates corresponding to erasures from the register) and section fourteen of that Act (which makes provision for the restoration of names erased from the register corresponding to provisions in this section) shall cease to have effect.

Registration in
Common-
wealth and
foreign lists.

16.—(1) The list of colonial dentists and the list of foreign dentists kept in the register in pursuance of paragraphs (b) and (c) of subsection (1) of section eleven of the Dentists Act, 1878, shall be called respectively "the Commonwealth list" and "the foreign list" and references in the Dentists Acts or any other Acts to colonial dentists or to registration as a colonial dentist shall, unless the context otherwise requires, be construed as references to dentists registered in the Commonwealth list and to registration as a Commonwealth dentist.

(2) A person shall be entitled to be registered in the Commonwealth or foreign list if he shows to the satisfaction of the registrar that he is of good character and that he holds a Commonwealth diploma, or, as the case may be, a foreign diploma, and that he has satisfied the General Dental Council that he has the requisite knowledge and skill.

(3) For the purpose of satisfying themselves that a person has the requisite knowledge and skill, the Council shall, in addition to such other requirements as they may impose on him, require him to sit for examinations held by a dental authority, or a group of dental authorities, under arrangements made by the Council:

Provided that if the diploma held by that person is of a kind recognised for the time being by the Council as furnishing such guarantees of that person's possessing the requisite knowledge and skill as warrant dispensing with further inquiry, that person shall be taken to have satisfied the Council that he has the requisite knowledge and skill.

(4) The Council may make regulations as to the examinations to be held for the purposes of the last foregoing subsection and may include in the regulations provisions for withdrawing the right to sit for any such examinations from a person who has not

first paid the fee prescribed by the regulations for sitting for the examinations or from a person who has previously failed to pass such examinations on such number of occasions as may be prescribed by the regulations.

Regulations under this subsection shall not come into force until approved by order of the Privy Council.

(5) Where the Council, with a view to permitting any person holding a Commonwealth or foreign diploma temporarily to practise dentistry in a hospital or other institution, give a direction that he be registered as respects practice in that hospital or institution for such a period as may be specified in the direction, that person shall, without showing that any requirements under the foregoing subsections are fulfilled in his case, be entitled to be registered in the Commonwealth or foreign list subject to the entry against his name of the restrictions specified in the direction:

Provided that registration under this subsection shall not make it lawful for a person to practise dentistry otherwise than subject to the said restrictions nor constitute him a registered dentist for the purposes of the First Schedule to this Act.

(6) Regulations under this Act relating to the register shall provide that persons registered under the last foregoing subsection shall appear in a separate sub-division of the list in question.

(7) The Council may direct that for the purposes of this section a particular person who has passed the examinations required to obtain a foreign diploma shall be treated as a person holding a foreign diploma.

(8) Sections eight, nine and ten of the Dentists Act, 1878, shall not have effect as respects registration after the coming into force of this section in the Commonwealth or foreign lists.

(9) In Article 4 of Part II of the Schedule to the Medical and Dentists Acts Amendment Act, 1927 (which entitles a person registered in the register to have himself registered in the dental register of the Republic of Ireland) the references to registration in the register shall not include references to registration in the Commonwealth or foreign list.

17.—(1) If the registrar learns that a person registered in the Commonwealth or foreign list is entitled to be registered as being a graduate or licentiate of a dental authority, he shall serve a notice on that person informing him that upon the expiration of a period specified in the notice (being a period of not less than three months from the issue of the notice) he proposes to strike that person's name out of the Commonwealth or, as the case may be, foreign list and also informing that person of his right to be registered as a graduate or licentiate.

Persons in Commonwealth and foreign lists qualifying for registration in main list.

(2) On the expiration of the said period, the registrar shall strike that person's name out of the Commonwealth or foreign list in accordance with the notice and shall register that person in the list of dentists registered as being such graduates or licentiates as aforesaid, with the entries appearing against his name in the other list when the name was struck out.

(3) Regulations under this Act relating to the register shall not be made so as to require the payment of a fee for the making of an entry under this section.

Ancillary Dental Workers

Power of Council to create classes of ancillary dental workers.

18.—(1) Subject to the provisions of this and the next following section, the General Dental Council may by statutory instrument make regulations for the establishment of classes of ancillary dental workers to undertake dental work of kinds prescribed by the regulations, being dental work amounting to the practice of dentistry within the meaning of that expression as used in section one of the Dentists Act, 1921 (which prohibits the practice of dentistry by persons other than registered dentists).

(2) Regulations under this section may in particular make provision as respects any class so established—

- (a) for prescribing the qualifications for becoming a member of that class ;
- (b) for prescribing the dental work which a member of that class may undertake and the conditions, if any, under which he may undertake it ;
- (c) for the establishment of a roll or record for that class.

(3) The regulations shall be so framed as to secure that provisions in the regulations as to the arrangements to be made for training persons to become members of a class of ancillary dental workers do not materially impair the facilities for the training of dental students.

(4) Regulations under this section may authorise members of a class of ancillary dental workers established by the regulations to use a title indicating their membership, and a person who wilfully uses that title when he is not authorised under the regulations to use that title shall, on summary conviction, be liable to a fine not exceeding fifty pounds.

(5) If a member of a class of ancillary dental workers uses any title or description reasonably calculated to suggest that he possesses any status or qualification connected with dentistry other than a status or qualification which he in fact possesses and which is indicated by particulars entered in the roll or record of the class in respect of him, he shall be liable on summary conviction to a fine not exceeding fifty pounds :

Provided that where the regulations do not provide for a roll or record of the class in which particulars of status and qualifications may be entered, this subsection shall have effect as if the

words “ and which is indicated by particulars entered in the roll or record of the class in respect of him ” were omitted.

(6) If after regulations have been made under this section establishing a class of ancillary dental workers the General Dental Council propose to make further regulations varying the provisions relating to that class or abolishing that class, the further regulations shall be so framed as to secure that a person belonging to that class at the time when the further regulations are made is still permitted to do any dental work of a kind which he was previously permitted to do :

Provided that the Council need not comply with this subsection in framing the regulations if they are satisfied that reasonable steps have been taken to give to each of the persons belonging to the class in question particulars of their proposals with an opportunity of raising objections and none of those persons has maintained any objection to those proposals.

(7) Where a roll or record is established for a class of ancillary dental workers, regulations under this section may, in particular, provide for—

- (a) prescribing a fee to be charged when a person’s name is entered in the roll or record,
- (b) prescribing a fee to be charged in respect of the retention of a person’s name in the roll or record in any year subsequent to the year in which that person’s name was first recorded, and
- (c) authorising the person in charge of the roll or record to erase from the roll or record the name of a person who, after such notices and warnings as may be prescribed by the regulations, fails to pay a fee prescribed under the last foregoing paragraph.

(8) Section one of the Dentists Act, 1921, shall not operate to prevent a person doing anything which he is permitted to do by regulations under this section, and the prohibition contained in the said section one on a person holding himself out as practising or being prepared to practise dentistry shall not apply to a person for the time being permitted by regulations under this section to practise dentistry of any particular kind.

(9) The General Dental Council shall not make any regulations under this section unless a draft of those regulations which has been approved by the Privy Council has been laid before Parliament and has been approved by a resolution of each House of Parliament, and the Privy Council shall not approve a draft of regulations prescribing—

- (a) a fee under paragraph (a) of subsection (7) of this section of an amount exceeding two pounds, or

(b) a fee under paragraph (b) of that subsection of an amount exceeding one pound, unless in their opinion a fee of that amount is justified by changes in circumstances which have taken place since the passing of this Act.

Restrictions on employment of ancillary dental workers.

19.—(1) Regulations under the last foregoing section shall not permit an ancillary dental worker of any class to under-
take—

- (a) the extraction of teeth other than deciduous teeth, or
- (b) except in the course of the provision of national and local authority health services, the filling of teeth or the extraction of deciduous teeth, or
- (c) the fitting, insertion or fixing of dentures or artificial teeth.

(2) Regulations under the last foregoing section shall be so framed as to secure that dental work amounting to the practice of dentistry carried out by an ancillary dental worker in the course of the provision of national and local authority health services is carried out under the direction of a registered dentist, and it shall be the duty of the General Dental Council to secure, either by provision in the said regulations or otherwise, that, so long as they think it advisable, such work is only carried out after the registered dentist has examined the patient and has indicated to the ancillary dental worker the course of treatment to be provided for the patient.

(3) Regulations under the last foregoing section shall be so framed as to secure that dental work amounting to the practice of dentistry carried out by an ancillary dental worker otherwise than in the course of providing national and local authority health services is carried out under the direct personal supervision of a registered dentist.

(4) For the purposes of this section the expression “practice of dentistry” has the meaning assigned to it by subsection (2) of section fourteen of the Dentists Act, 1921.

(5) References in this section and in any other provision of this Act to the provision of national and local authority health services shall be construed as references to the provision—

- (a) of hospital and specialist services under Part II of the National Health Service Act, 1946, Part II of the National Health Service (Scotland) Act, 1947, or Part III of the Health Services Act (Northern Ireland), 1948, or
- (b) of services at health centres under section twenty-one of the National Health Service Act, 1946, section fifteen of the National Health Service (Scotland) Act, 1947, or section seventeen of the Health Services Act (Northern Ireland), 1948, or

- (c) of services for mothers and young children under section twenty-two of the National Health Service Act, 1946, section twenty-two of the National Health Service (Scotland) Act, 1947, or section thirty-eight of the Health Services Act (Northern Ireland), 1948, or
- (d) of medical inspection and treatment of pupils under section forty-eight or seventy-eight of the Education Act, 1944, section four or five of the Education (Miscellaneous Provisions) Act, 1953, section fifty-one of the Education (Scotland) Act, 1946, or section forty-two or subsection (2) of section seventy-four of the Education Act (Northern Ireland), 1947.

20.—(1) If the Privy Council, after consulting the General Dental Council, are of opinion that, in order that the value to the community of the existence of a class of ancillary dental workers—

Duty to make arrangements for experimental scheme.

- (a) permitted to undertake the filling of teeth and the extraction of deciduous teeth, and
- (b) employed to do work of that kind in the course of the provision of national and local authority health services,

may be judged, the experiment provided for by the following subsections of this section should be carried out, they may require the General Dental Council to comply with the following subsections of this section; and those subsections shall not come into operation unless the Privy Council make that requirement.

(2) The General Dental Council shall make arrangements for encouraging and helping a number of persons to undergo training approved by the General Dental Council for the purposes of this section and arrangements for making available to such of those persons as, in the opinion of the General Dental Council, attain the necessary standards of proficiency, employment in the course of the provision of national and local authority health services.

(3) The General Dental Council shall ensure that the number of persons selected to undergo training under the arrangements is adequate having regard to the conclusions which will be drawn from the experiment under this section.

(4) The General Dental Council shall delegate their functions under subsections (2) and (3) of this section to a committee constituted in accordance with paragraph 14 of Part II of the First Schedule to this Act and that committee shall carry out those functions subject to the general control of the Council.

(5) The General Dental Council may by regulations contained in a statutory instrument prescribe the kinds of dental work which persons designated by the regulations, being persons to

whom employment is made available under the arrangements, may undertake in the course of the provision of national and local authority health services and the conditions subject to which they may undertake work of that kind and subsection (8) of section eighteen of this Act shall apply in relation to regulations under this subsection as it applies in relation to regulations under that section.

(6) The General Dental Council shall exercise the power conferred by the last foregoing subsection so as to secure that—

- (a) while the arrangements are in force, persons to whom employment is made available under the arrangements are not permitted to practise dentistry except in accordance with the arrangements ; and
- (b) when the arrangements have been terminated, the persons who have in the opinion of the General Dental Council attained the necessary standards of proficiency under the arrangements shall, unless they infringe disciplinary provisions laid down by the regulations, or unless they become qualified to become members of such a class as is referred to in subsection (1) of this section, continue to have an opportunity to earn their livelihood by doing work of the kind for which they have been trained under the arrangements.

(7) The General Dental Council shall, not later than three years after the arrangements are set in train, make to the Privy Council an interim report on the progress of the experiment under this section, and the Privy Council shall lay the said report before Parliament.

(8) The Minister of Health and the Secretary of State shall have power with the consent of the Treasury to contribute out of moneys provided by Parliament towards defraying expenses incurred by the General Dental Council in connection with the making of arrangements under this section.

Termination
of experimental
scheme.

21.—(1) The Privy Council may, when, after consulting the General Dental Council, it appears to them that they are in a position to judge the results of the arrangements under the last foregoing section, require the General Dental Council to terminate the arrangements; and the General Dental Council shall have regard to the desirability of not admitting persons for training under the arrangements under such circumstances that they are unlikely to have completed their training before the arrangements are terminated.

(2) The General Dental Council on being required by the Privy Council to terminate the arrangements shall make to them a final report on the results of the experiment and the Privy Council shall lay the report before Parliament.

(3) After the termination of the arrangements the Privy Council, unless in the light of the said reports they conclude that the existence of such a class of ancillary dental workers as is referred to in subsection (1) of the last foregoing section would not be of value to the community, may require the General Dental Council to make regulations under section eighteen of this Act for the establishment of such a class as aforesaid; and the General Dental Council shall comply with the requirement.

This subsection shall be without prejudice to the power of the Council to make such regulations without any requirement.

22.—(1) The General Dental Council shall set up an Ancillary Dental Workers Committee and shall refer to the Committee all matters connected with ancillary dental services.

Establishment
of Ancillary
Dental
Workers
Committee.

(2) Paragraph 15 of Part II of the First Schedule to this Act shall have effect as respects the Ancillary Dental Workers Committee.

(3) Regulations under section eighteen of this Act may provide for entrusting to the Ancillary Dental Workers Committee the duty of enforcing standards of conduct among ancillary dental workers and for enabling that Committee to withdraw from a person not conforming to those standards the right to undertake dental work as an ancillary dental worker of all or any classes.

Restrictions on carrying on the business of dentistry

23.—(1) Subject to the following provisions of this Act, an individual who is not a registered dentist or a registered medical practitioner shall not carry on the business of dentistry unless he was engaged in carrying on the business of dentistry on the twenty-first day of July, nineteen hundred and fifty-five.

Restriction on
individuals.

(2) An individual who contravenes this section shall be liable on conviction on indictment to a fine not exceeding five hundred pounds, and on summary conviction to a fine not exceeding one hundred pounds.

24.—(1) The exception contained in subsection (1) of section five of the Dentists Act, 1921, from the prohibition in subsection (2) of that section on the carrying on of the business of dentistry by bodies corporate shall not extend to any body corporate other than one existing and carrying on the business of dentistry on the twenty-first day of July, nineteen hundred and fifty-five:

Restrictions on
bodies
corporate.

Provided that this subsection shall not affect a body corporate coming into existence on the reconstruction of a body corporate existing and carrying on the business of dentistry on the said day, or on the amalgamation of two or more such bodies

C*

corporate, nor a society registered under the Industrial and Provident Societies Acts, 1893 to 1954, or the Industrial and Provident Societies Acts (Northern Ireland), 1893 to 1955.

(2) The operating staff of a body corporate to which the said exception contained in subsection (1) of section five of the Dentists Act, 1921, applies may include members of a class of ancillary dental workers established under this Act and, accordingly, in paragraph (b) of the said subsection (1) the reference to registered dentists shall in relation to operating staff include a reference to members of such a class of ancillary dental workers.

(3) Where after the coming into force of this section—

- (a) a body corporate is convicted of an offence under subsection (2) of section five of the Dentists Act, 1921, or
- (b) the name of a director of a body corporate is erased from the register under the second paragraph of section thirteen of the Dentists Act, 1878, or
- (c) a director of a body corporate is convicted under section one of the Dentists Act, 1921 (which prohibits the practice of dentistry by unregistered persons) or under the last foregoing section,

the Disciplinary Committee may direct that the exception referred to in subsection (1) of this section shall cease to extend to that body corporate as from such date as the Committee may specify and, subject to the following subsections, the said section five shall have effect accordingly :

Provided that the Committee shall not take a case into consideration while proceedings by way of appeal are pending which may result in this subsection being rendered inapplicable in that case nor during the period within which any such proceedings as aforesaid may be brought.

(4) Where—

- (a) an act or omission of a member of the operating staff of a body corporate constitutes an offence, or infamous or disgraceful conduct in a professional respect, for which that member is, under the second paragraph of section thirteen of the Dentists Act, 1878, struck off the register after the coming into force of this section, and
- (b) in the opinion of the Disciplinary Committee the act or omission was instigated or connived at by a director of the body corporate, or, if the act or omission was a continuing act or omission, a director of the body corporate had, or reasonably ought to have had, knowledge of the continuance thereof,

the Committee may direct that the exception referred to in subsection (1) of this section shall cease to extend to the body

corporate as from such date as the Committee may specify and, subject to the following subsections, the said section five shall have effect accordingly:

Provided that the Committee shall not take a case into consideration while proceedings by way of appeal are pending which may result in this subsection being rendered inapplicable in that case nor during the period in which any such proceedings as aforesaid may be brought.

(5) Where the Disciplinary Committee determine under either of the two last foregoing subsections that the said exception shall cease to extend to a body corporate, the Committee shall notify the body corporate of their determination and the body corporate may, within twenty-eight days of the notification, in accordance with such rules as Her Majesty in Council may by Order provide for the purposes of this section, appeal to Her Majesty in Council—

- (a) in the case of a determination under subsection (3) of this section on the ground that, notwithstanding the conviction or, as the case may be, the erasure of the name, the Disciplinary Committee's decision was unjustified, and
- (b) in the case of a determination under subsection (4) of this section, on the ground that the opinion of the Disciplinary Committee as to the matters referred to in paragraph (b) of the said subsection (4) was incorrect or that, although that opinion was correct, the Committee's decision was unjustified.

(6) The provisions of subsections (1) to (4) of section ten of this Act shall apply for the purposes of the last foregoing subsection as they apply in relation to an appeal under that section.

(7) Section seven of the Dentists Act, 1921, so far as it relates to the making of regulations for the purposes of subsections (3) and (4) of section five of that Act shall cease to have effect, but without prejudice to such regulations in force at the commencement of this section; and any such regulations may be varied or revoked by regulations made by the General Dental Council.

(8) The powers conferred by this section on the Disciplinary Committee shall, before the setting up of that Committee, be exercisable by the General Dental Council.

25.—(1) Where a registered dentist or a registered medical practitioner who died before the coming into force of section twenty-three of this Act was at his death carrying on a business or practice constituting the business of dentistry, neither that section nor section five of the Dentists Act, 1921, shall operate to prevent—

- (a) his personal representatives or any of his children or trustees on behalf of any of his children from carrying on the business of dentistry in continuance of that

business or practice during the three years beginning with the coming into force of the said section twenty-three, or

(b) his widow or trustees on behalf of his widow from carrying on the business of dentistry in continuance of that business or practice at any time during her life.

(2) Where a registered dentist, or registered medical practitioner, who dies after the coming into force of section twenty-three of this Act was at his death carrying on a business or practice constituting the business of dentistry, neither that section nor section five of the Dentists Act, 1921, shall operate to prevent his personal representatives or his widow or any of his children or trustees on behalf of his widow or any of his children from carrying on the business of dentistry in continuance of that business or practice during the three years beginning with his death.

(3) Where a registered dentist, or registered medical practitioner, becomes bankrupt at a time when he is carrying on a business or practice constituting the business of dentistry, neither section twenty-three of this Act nor section five of the Dentists Act, 1921, shall operate to prevent his trustee in bankruptcy or, in Northern Ireland, the official assignee, from carrying on the business of dentistry in continuance of that business or practice during the three years beginning with the bankruptcy or, if he became bankrupt before the date of the coming into force of section twenty-three of this Act, during the three years beginning with that date.

(4) Where a body corporate is carrying on the business of dentistry by virtue of this section, nothing in subsection (3) of section five of the Dentists Act, 1921, shall require that body to transmit any statement to the registrar.

Meaning of
"business of
dentistry".

26.—(1) For the purposes of the three last foregoing sections and of the said section five of the Dentists Act, 1921, a person shall, subject to the provisions of this section, be treated as carrying on the business of dentistry if, and only if, he or a partnership of which he is a member receives payments for services rendered in the course of the practice of dentistry by him or by a partner of his or by an employee of his or of all or any of the partners.

For the purposes of this subsection the expression "practice of dentistry" has the meaning assigned to it by subsection (2) of section fourteen of the Dentists Act, 1921.

(2) Notwithstanding the foregoing subsection, the receipt of payments—

(a) by an authority providing national and local authority health services, or

(b) by a person providing dental treatment for his employees without a view to profit, or

(c) by a person providing dental treatment without a view to profit under conditions approved by the Minister of Health or the Secretary of State or the Ministry of Health and Local Government for Northern Ireland, or the receipt of payments in respect of any such operation as is mentioned in paragraph (b) of subsection (3) of section one of the Dentists Act, 1921 (which relates to emergency extractions by chemists) shall not constitute the carrying on of the business of dentistry for the said purposes.

(3) Subsection (5) of the said section five of the Dentists Act, 1921 (which contains an exemption for institutions approved by the Minister) shall cease to have effect.

Miscellaneous

27.—(1) No person shall take or use the title of dentist, dental surgeon or dental practitioner, either alone or in combination with any other word, unless he is a registered dentist or a registered medical practitioner, and no person shall take or use any title or description implying that he is a registered dentist unless he is a registered dentist. Use by unregistered persons of titles and descriptions connected with dentistry.

(2) A person who acts in contravention of the provisions of this section shall be liable on summary conviction to a fine not exceeding one hundred pounds, or on conviction on indictment to a fine not exceeding five hundred pounds.

28.—(1) In the definition of the practice of dentistry in subsection (2) of section fourteen of the Dentists Act, 1921 (which applies for the purposes of the prohibition on the practice of dentistry by laymen imposed by section one of that Act) for the words "fitting, insertion or fixing of artificial teeth" there shall be substituted the words "fitting, insertion or fixing of dentures, artificial teeth or other dental appliances". Prohibition on practice of dentistry by laymen.

(2) An offence under the said section one committed after the coming into force of this section shall be punishable on conviction on indictment by a fine not exceeding five hundred pounds.

(3) The last foregoing subsection shall be without prejudice to the power to institute summary proceedings for an offence under the said section one and such proceedings for an offence committed after the coming into force of this section, may, notwithstanding anything in section one hundred and four of the Magistrates' Courts Act, 1952, or any corresponding enactment forming part of the law of Scotland or Northern Ireland, be instituted at any time within one year from the commission of the offence.

29.—(1) Subject to subsection (2) of this section a person who, after the coming into force of this section, undertakes dental work in the course of his studies shall be treated for the purposes of the Dentists Acts, 1878 to 1927, and this Act, as Conditions under which students may undertake dental work.

practising dentistry if he would have been treated for those purposes as practising dentistry if he had undertaken that work in the course of earning his livelihood.

(2) Dental work shall not be treated for the purposes of the said Acts as amounting to the practice of dentistry if it is undertaken—

(a) by a person recognised by a dental authority as a student of dental surgery or of dentistry, or by a person recognised by a medical authority as a medical student, as part of a course of instruction approved by that authority for students of that kind or as part of an examination so approved, or

(b) by any person as part of a course of instruction which he is following in order to qualify for membership of a class of ancillary dental workers or as part of examinations which must be passed in order to qualify for membership of a class of ancillary dental workers.

(3) No dental work which a person undertook before the coming into force of subsection (1) of this section in the course of his studies shall be treated for the purposes of the said Acts as amounting to the practice of dentistry.

(4) In this section the expression “ medical authority ” has the meaning assigned to it by section two of the Dentists Act, 1878.

Use by dentists
of titles and
descriptions.

30.—(1) Notwithstanding anything in paragraph (b) of section four of the Dentists Act, 1921 (which makes it an offence to use professional titles and descriptions to which the user is not entitled or which are not recorded in the register) a registered dentist shall, by virtue of being registered, be entitled to use the description of “ dental surgeon ”.

(2) If the General Dental Council are of opinion that any special branch of dentistry has become so distinctive that it would be for the convenience of the public or of the dental profession that registered dentists qualified to practise, or practising, in that branch of dentistry should use a distinctive title, they may by regulations prescribe appropriate titles and the conditions under which they may be used ; and the use of a prescribed title under the prescribed conditions shall not constitute a contravention of the said paragraph (b).

(3) A person contravening the said paragraph (b) shall be liable on summary conviction to a fine not exceeding fifty pounds.

(4) Where after the coming into force of this subsection a person's name is entered in the Commonwealth list or the foreign list, or an additional diploma granted in a country overseas is entered against a person's name in any part of the register, the registrar shall enter the diploma by virtue of which that person is registered or, as the case may be, the additional diploma in such abbreviated form as the registrar after consultation with

the President of the General Dental Council may select as being convenient but not capable of being mistaken for the abbreviated form of any other diploma.

(5) Where in accordance with the last foregoing subsection the abbreviated form of a diploma is recorded in the register against a person's name, that person shall not take or use, or affix to or use in connection with his premises, any other abbreviation of that diploma and if he contravenes this subsection he shall be liable on summary conviction to a fine not exceeding fifty pounds.

31.—(1) The functions of the Dental Board under sections one and two of the Dentists Act, 1921 (which include the authorisation of minor dental work by laymen and the appointment of a registrar) shall be transferred to and executed by the General Dental Council. Minor amendments.

(2) Any reference in the Dentists Acts, 1878 to 1927, to registration under or in pursuance of the Dentists Act, 1878, shall be construed as a reference to any kind of registration in the register notwithstanding that some provisions relating to registration are contained in some Act other than the Dentists Act, 1878.

(3) Section forty of the Dentists Act, 1878, in so far as it authorises the recovery of penalties in Scotland before two justices shall cease to have effect.

Supplemental

32. A notice required or authorised by this Act to be served on a registered dentist by the registrar may be served by post in a registered letter addressed to the dentist at his address in the register, or at his last known address if that address differs from his address in the register and it appears to the registrar that such service will be more effective. Service of notices by registrar.

33.—(1) For the purpose of any proceedings under this Act before the General Dental Council or the Disciplinary Committee relating to the removal of a person's name from the register, or its restoration to the register, or relating to the withdrawal from a body corporate of the right to carry on the business of dentistry, the Council or Committee, as the case may be, may administer oaths, and any party to the proceedings may sue out writs of subpoena ad testificandum and duces tecum, but no person shall be compelled under any such writ to produce any document which he could not be compelled to produce on the trial of an action. Evidence in proceedings before Council and Disciplinary Committee.

(2) Section forty-nine of the Supreme Court of Judicature (Consolidation) Act, 1925 (which provides a special procedure for the issue of such writs so as to be in force throughout the

United Kingdom) shall apply in relation to any such proceedings as aforesaid as it applies in relation to causes or matters in the High Court.

Rules,
regulations,
orders and
other
instruments.

34.—(1) The Statutory Instruments Act, 1946, shall apply to a statutory instrument containing regulations made by the General Dental Council under this Act in like manner as if the regulations had been made by a Minister of the Crown.

(2) Prima facie evidence of any document issued by the General Dental Council or the Dental Board may be given in all legal proceedings by the production of a copy or extract purporting to be certified to be a true copy or extract by the registrar or some other officer of the General Dental Council authorised to give a certificate for the purposes of this subsection.

(3) No proof shall be required of the handwriting or official position or authority of any person certifying in pursuance of this section to the truth of any copy of or extract from any regulations or other document.

Interpretation.

35.—(1) In this Act, unless the context otherwise requires—

“Commonwealth or foreign diploma” means a diploma granted in a country overseas and recognised for the time being by the General Dental Council for the purposes of this Act, and the diploma shall be a Commonwealth or a foreign diploma according as the country in which it is granted is or is not within the Commonwealth;

“dental authority” has the meaning assigned to it by subsection (1) of section four of this Act;

“diploma” means any diploma, degree, fellowship, membership, licence, authority to practise, letters, testimonial, certificate or other status or document granted by any university, corporation, college or other body or by any department of, or persons acting under the authority of, the government of any country or place within or without Her Majesty’s dominions;

“disciplinary case” has the meaning assigned to it by subsection (3) of section six of this Act;

“party” in relation to proceedings before the Disciplinary Committee or the General Dental Council means—

(a) in a case relating to the removal of a person’s name from the register, or its restoration to the register, that person, and

(b) in a case relating to the withdrawal from a body corporate of a right to carry on the business of dentistry, that body corporate and any director of that body corporate, and

(c) in any case, any person on whose complaint the proceedings are brought or any solicitor appointed by the General Dental Council to represent them at the proceedings ;

“ register ” means the dentists register and “ registrar ” means the registrar of that register ;

“ registered dentist ” means a person registered in the register.

(2) References in this Act to the provision of national and local authority health services shall be construed in accordance with the provisions of section nineteen of this Act.

(3) The powers conferred by this Act on the Privy Council (other than the power of hearing appeals against determinations to erase names from the register or determinations to withdraw from bodies corporate the right to carry on the business of dentistry) shall be exercisable by any two or more members of the Privy Council.

(4) Any reference in this Act to any provision of any other Act shall, unless the context otherwise requires, be construed as including a reference to that provision as amended by any other Act, including this Act and any Act of the Parliament of Northern Ireland.

36.—(1) It is hereby declared that this Act extends to Northern Ireland and for the purposes of section six of the Government of Ireland Act, 1920 (which precludes the Parliament of Northern Ireland from amending Acts of the Parliament of the United Kingdom passed after the day appointed under that Act) this Act shall be treated as passed before that day. Application to Northern Ireland.

(2) In the application of this Act to Northern Ireland references to summary conviction shall be construed as references to summary conviction under the enactments (including enactments of the Parliament of Northern Ireland) for the time being in force in Northern Ireland relating to summary jurisdiction.

37.—(1) This Act may be cited as the Dentists Act, 1956, and the Dentists Acts, 1878 to 1927, and this Act may be cited together as the Dentists Acts, 1878 to 1956. Short title, citation, repeals and commencement.

(2) The Acts set out in the Second Schedule to this Act shall be repealed to the extent specified in the third column of that Schedule.

(3) This Act shall come into force on such day as Her Majesty may by Order in Council appoint and, subject to any express provision in this Act, different days may be appointed for different provisions.

SCHEDULES

FIRST SCHEDULE

Sections 1, 3, 6,
16, 20, 22.

THE GENERAL DENTAL COUNCIL AND ITS COMMITTEES

PART I

CONSTITUTION, ETC., OF COUNCIL

1. The General Dental Council shall be a body corporate, shall have a common seal, and shall have power to acquire and hold land without licence in mortmain.

2.—(1) The General Dental Council shall consist of eighteen members together with the members to be nominated under this Part of this Schedule by the authorities who are for the time being dental authorities.

(2) Of the members of the Council—

(a) eleven shall be elected by registered dentists from among themselves ;

(b) three, who shall be registered dentists, shall be nominated by Her Majesty on the advice of Her Privy Council ;

(c) three, who shall not be registered dentists, and of whom two shall be chosen for England and Wales and one for Scotland, shall be nominated by Her Majesty on the advice of Her Privy Council ;

(d) one, who shall not be a registered dentist, shall be nominated by the Governor of Northern Ireland ;

and of the remaining members, all of whom shall be registered dentists, the University of London (so long as it is a dental authority) shall nominate two, and every other authority which is for the time being a dental authority shall nominate one.

(3) In addition there shall be six persons nominated by the General Medical Council from among members of that Council who shall act and vote as members of the General Dental Council in connection with dental education and examinations, but who, save as otherwise expressly provided by this sub-paragraph or any other provision of this Act, shall not be treated as members of the General Dental Council for the purposes of this Act :

Provided that no proceedings of the General Dental Council shall be invalid by reason of any member nominated by the General Medical Council having acted or voted in a manner not permitted by this sub-paragraph.

3.—(1) Elections to fill all the elected members' seats shall be held before the establishment of the General Dental Council so as to enable the persons elected to assume membership on its establishment, and at the expiration of five years from such date in the year nineteen hundred and fifty-six as the Council may fix, and at the expiration of each succeeding period of five years, all the persons who are then elected members of the Council shall retire together ; and elections shall be held accordingly before the end of each of the said periods.

(2) An election shall be held to fill a casual vacancy among the elected members if, and only if, the vacancy occurs more than twelve months before the beginning of the next five-year period.

(3) Of the eleven elected members—

- (a) seven shall be elected by the dentists whose addresses in the register are in England, the Isle of Man or the Channel Islands ;
- (b) one shall be elected by the dentists whose addresses in the register are in Wales ;
- (c) two shall be elected by the dentists whose addresses in the register are in Scotland ;
- (d) one shall be elected by the dentists whose addresses in the register are in Ireland.

(4) Elections under this paragraph shall be conducted in accordance with rules which shall include provision—

- (a) for nominations being made by registered dentists ;
- (b) for the use of voting papers and for voting by post.

(5) As respects the elections before the establishment of the General Dental Council the rules shall be rules made by the Dental Board and as respects subsequent elections the rules shall be rules made by the Council.

(6) This paragraph shall apply in relation to Monmouthshire as if it were part of Wales and not part of England and references to England and Wales shall be construed accordingly.

4.—(1) Nominations to fill nominated members' seats shall be made before the establishment of the General Dental Council in time to enable the persons nominated to assume membership on its establishment, and at the expiration of three years from such date in the year nineteen hundred and fifty-six as the Council may fix, and at the expiration of each succeeding period of five years. all the persons who are then nominated members of the Council shall retire together ; and nominations shall be made accordingly before the end of the three-year period and of each five-year period

(2) A nomination shall be made to fill a casual vacancy among the nominated members whenever it occurs.

(3) In this paragraph references to nominated members include references to members nominated by the General Medical Council for the limited purposes set out in sub-paragraph (3) of paragraph 2 of this Part of this Schedule.

(4) Where in the course of the said period of three years or one of the said periods of five years an authority becomes for the first time a dental authority, the right of that authority to nominate a member of the General Dental Council shall be postponed until the end of that period.

5.—(1) The General Dental Council shall elect a registered dentist as President from among the members of the Council.

(2) The President shall hold office until he next retires from membership of the Council.

1st Sch.
—cont.

6. A person shall not be disqualified for being elected or nominated as a member of the Council or for being elected as President of the Council by reason of having already served as a member or, as the case may be, as President.

7. No person shall be disqualified for being elected to, or sitting or voting as a member of, the House of Commons by reason of being a member of the General Dental Council or of one of the Council's committees.

8.—(1) Subject to the following provisions of this Part of this Schedule, the Council shall have power to do any thing which in their opinion is calculated to facilitate the proper discharge of their functions.

(2) The Council shall, in particular, have power to pay to its members, including the members nominated by the General Medical Council, fees for attendance at meetings of the Council or its committees and travelling and subsistence allowances while attending such meetings or while on any other business of the Council but, save as expressly provided by this paragraph or any other provision of this Act, the Council shall not have power to pay to its members any remuneration for doing the business of the Council and shall not have power to pay the said fees for attendance to a member of the Council who is also a member of the House of Commons or a member of the Senate or House of Commons of Northern Ireland.

(3) The powers of the Council and of any of the Council's committees may be exercised notwithstanding any vacancy, and no proceedings of the Council or of any of the Council's committees shall be invalidated by any defect in the appointment of a member.

9.—(1) The Council may, after paying their expenses, including the payments authorised under this Schedule to be made to their members and the salaries or remuneration of their officers, allocate any money received by them whether by way of fees or otherwise to purposes connected with dental education and research or any other public purposes connected with the profession of dentistry in such manner as they may think fit.

(2) The Council shall keep accounts of all sums received or paid by them under the Dentists Acts, 1878 to 1927, and this Act and the accounts shall be audited in manner prescribed by regulations made by the Privy Council and shall be published annually and laid before Parliament.

10.—(1) The Council may make rules for regulating the proceedings (including quorum) of the Council and for delegating, subject to the provisions of this Act, to committees, including the committees referred to in Part II of this Schedule, functions of the Council and, subject as aforesaid, for appointing the members and regulating the proceedings (including quorum) of any committees, including the committees referred to in Part II of this Schedule and any sub-committees.

(2) The power conferred by the foregoing sub-paragraph shall include power to make rules as to the procedure to be followed and rules of evidence to be observed in proceedings before the Disciplinary

Committee (other than proceedings in disciplinary cases) but rules under this sub-paragraph shall not come into force until approved by order of the Privy Council contained in a statutory instrument:

1st Sch.
—cont.

Provided that before making any rules under this sub-paragraph the Council shall consult with such bodies of persons representing dentists as appear to the Council requisite to be consulted.

(3) Nothing in this paragraph shall authorise the Council to delegate any power of making rules or regulations under any other provision of this Act or the power of appointing assessors in inquiries in disciplinary cases.

PART II

COMMITTEES OF THE COUNCIL

The Education Committee

11.—(1) The Education Committee shall consist of the President and eight other members of the Council (who shall all be registered dentists) and those persons who are only members of the Council for the limited purposes set out in sub-paragraph (3) of paragraph 2 of Part I of this Schedule.

(2) The Committee shall appoint a registered dentist to be chairman from among the members of the Committee.

The committee for the preliminary consideration of disciplinary cases

12. The committee for the preliminary consideration of disciplinary cases shall consist of the President and five other members of the Council of whom one shall be a person who is not a registered dentist:

Provided that the President may appoint for the consideration of any particular case one or two members of the Council to be additional members of the Committee notwithstanding that the membership of the Committee is thereby raised to seven or eight.

The Disciplinary Committee

13.—(1) The Disciplinary Committee shall consist of the President and ten other members of the Council of whom at least four shall be elected members of the Council and at least two shall be neither such elected members nor registered dentists.

(2) A member of the said committee for the preliminary consideration of disciplinary cases other than the President of the Council shall not at the same time be a member of the Disciplinary Committee.

(3) At any meeting of the Disciplinary Committee the President of the Council or, in his absence, such member of the Committee as the Committee may choose, shall be chairman.

(4) All acts of the Disciplinary Committee shall be decided by a majority of the members present at any meeting.

(5) The quorum for a meeting of the Disciplinary Committee shall be five, of whom at least one shall be an elected member of the Council.

1ST SCH.
—cont.

The committee entrusted with carrying out the experimental scheme for training ancillary dental workers

14.—(1) The committee entrusted with carrying out the experimental scheme for training ancillary dental workers shall consist of the President and eight other members of the Council and four persons who need not be members of the Council.

(2) Not less than three of the said eight members of the committee shall be members of the Council appointed by the dental authorities and not less than two of the said eight members of the committee shall be members of the Council elected by registered dentists.

(3) The four members of the committee who need not be members of the Council shall be appointed by the Privy Council, and of those four members of the committee two shall be registered dentists who are employed in the course of the provision of national and local authority health services and one shall be a person who is not a registered dentist.

(4) The committee shall appoint a registered dentist to be chairman from among the members of the committee.

The Ancillary Dental Workers Committee

15.—(1) The Ancillary Dental Workers Committee shall consist of the President and eight other members of the Council and six persons who are not members of the Council.

(2) Not more than six members of the Committee (excluding the President) shall be both members of the Council and registered dentists.

(3) Three of the six members of the Committee who are not members of the Council shall be appointed by the Minister of Health, the Secretary of State and the Minister of Health and Local Government for Northern Ireland acting jointly and two of the said three so appointed shall be registered dentists who are or have been employed in the course of the provision of national and local authority health services.

The said three members appointed by the said Ministers shall be appointed in the first instance to take office at the same time and they and their successors shall retire together at the end of successive three year periods, and an appointment made in the course of one of the said periods to fill a casual vacancy shall be for the remainder of that period.

(4) The other three of the six members of the Committee who are not members of the Council shall not be appointed until regulations have been made under this Act establishing a class of ancillary dental workers and shall then, in the first instance, be appointed by the Council from among members of the class so established.

(5) The said three persons appointed by the Council in the first instance shall retire on such date as the Council may fix and the persons to fill their vacancies shall be elected by members of all the classes of ancillary dental workers established by regulations under this Act in such manner and at such intervals as may be provided by rules made by the Council.

(6) The Council shall pay to members of the Committee who are not members of the Council allowances and fees at the same rates as in the case of those who are members of the Council and shall, as respects any member who is also a member of the House of Commons or of the Senate or House of Commons of Northern Ireland, follow the same rule as to not paying him any fees for attendance.

1st Sch.
—cont.

(7) The chairman of the Committee shall be chosen by the Committee from among the members of the Committee who are registered dentists.

(8) The Committee may appoint a sub-committee to deal with disciplinary questions connected with members of a class of ancillary dental workers.

The said sub-committee shall consist of not more than nine members.

SECOND SCHEDULE
ENACTMENTS REPEALED

Section 37.

Session and Chapter	Short Title	Extent of Repeal
41 & 42 Vict. c. 33.	The Dentists Act, 1878	In section two the definition of "Branch Council". In section six, in paragraph (b) the words "as hereinafter mentioned". In section seven the words "and pays the registration fee". Sections eight to ten. In section eleven, subsection (6) but without affecting orders already made under that subsection. In section thirteen, the whole except for the first two paragraphs and the proviso originally enacted. Section fourteen. Section sixteen. In section twenty-two the words "or by any branch council". Section twenty-eight. In section thirty-eight the words "by the General Council or". In section thirty-nine the words from "and shall be deemed" to the end of the section. In section forty the words from the beginning to the words immediately preceding "all penalties" and the words "or two justices."
49 & 50 Vict. c. 48.	The Medical Act, 1886	In section twenty-three the words "or the Dentists Act, 1878". In section twenty-six the words from "It shall be lawful" to the words "to be in force".

2ND SCL.
—cont.

Session and Chapter	Short Title	Extent of Repeal
11 & 12 Geo. 5. c. 21.	The Dentists Act, 1921	In section two, subsections (1), (2) and (3). In section five, subsection (5). In section six, subsections (1) and (3), and in subsection (4) the words from "and section twenty-three" to "under the principal Act". Sections seven and eight but without prejudice to regulations already made under those sections. Section ten. In section eleven, in subsection (2) the words "and on payment of the registration fee in respect of each person to be registered" and the words "in accordance with regulations made by the Board". Section thirteen. In section fifteen, subsection (1). Section sixteen. In section seventeen, in subsection (1) the words from "and the provision" to the end of the subsection. The First Schedule.

— — — — —
Table of Statutes referred to in this Act

Short Title	Session and Chapter
Judicial Committee Act, 1833	3 & 4 Will. 4. c. 41.
Dentists Act, 1878	41 & 42 Vict. c. 33.
Finance Act, 1895	58 & 59 Vict. c. 16.
Government of Ireland Act, 1920	10 & 11 Geo. 5. c. 67.
Dentists Act, 1921	11 & 12 Geo. 5. c. 21.
Supreme Court of Judicature (Consolidation) Act, 1925	15 & 16 Geo. 5. c. 49.
Medical and Dentists Acts Amendment Act, 1927	17 & 18 Geo. 5. c. 39.
Education Act, 1944	7 & 8 Geo. 6. c. 31.
Statutory Instruments Act, 1946	9 & 10 Geo. 6. c. 36.
Education (Scotland) Act, 1946	9 & 10 Geo. 6. c. 72.
National Health Service Act, 1946	9 & 10 Geo. 6. c. 81.
National Health Service (Scotland) Act, 1947	10 & 11 Geo. 6. c. 27.
Magistrates' Courts Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2. c. 55.
Education (Miscellaneous Provisions) Act, 1953	1 & 2 Eliz. 2. c. 33.

CHAPTER 30

Food and Drugs (Scotland) Act, 1956

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 Secretary of State to obtain particulars of certain food ingredients.
6. Labels and advertisements describing incorrectly food or drugs.
7. Regulations as to labelling and description of food.

Food Unfit for Human Consumption

8. Prohibition on 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.

Food Hygiene

12. Slaughter of animals intended for food.
13. Regulations as to food hygiene.

Registration

14. Registration of manufacturers and traders.
15. Refusal, etc., of registration under s. 14.

Special provisions as to certain foods

16. Regulations as to milk.
17. Certain additions not to be made to milk and certain liquids not to be sold as milk.
18. Cream substitutes.
19. Sign to be displayed on premises, etc., where horseflesh is sold for human consumption.

Cleansing of shell-fish

20. Provision of means for cleansing shell-fish.

Cold Stores

21. Establishment by local authority of cold stores.

Food Poisoning

22. Notification of cases of food poisoning.
23. Amendment of s. 1 of Public Health (Scotland) Act, 1945.
24. Provisions as to suspected food.

PART II

ADMINISTRATION AND ENFORCEMENT

Administration

Section

- 25. Scottish Food Hygiene Council.
- 26. Administrative authorities.

Sampling and Analysis

- 27. Public analysts.
- 28. Powers of sampling.
- 29. Right to have samples analysed.
- 30. Disposal of samples taken for analysis.
- 31. Special provisions as to the sampling of milk and proceedings subsequent thereto.
- 32. Power of Secretary of State to have foods analysed and examined.
- 33. Provision as to cases in which division of sample into parts is impracticable.
- 34. Examination by local authorities of food not for sale.
- 35. Quarterly reports by analysts.

Entry, obstruction, etc.

- 36. Power to enter premises.
- 37. Power to enter ships, aircraft, vehicles, etc.
- 38. Restriction on movement of imported food.
- 39. Offences in relation to execution of Act.

PART III

PROCEDURE AND EVIDENCE

Legal proceedings and evidence

- 40. Penalties.
- 41. Proceedings.
- 42. Evidence of certificates of analysis, etc.
- 43. Presumptions.
- 44. Power of court to require analysis by Government Chemist.
- 45. Contravention due to default of some other person.
- 46. Conditions under which a warranty may be pleaded as defence.
- 47. Offences in relation to warranties and certificates of analysis.

Compensation, etc.

- 48. Disputes as to compensation.
- 49. Apportionment of expenses of alterations to premises.

Appeals against Decisions of Local Authorities

- 50. Appeals to the sheriff against decisions of local authorities.
- 51. Right to carry on business in certain cases while appeal is pending.

PART IV

MISCELLANEOUS AND GENERAL

Miscellaneous

- 52. Application to the Crown.
- 53. Acquisition of land.
- 54. Borrowing by local authorities.
- 55. Default of local authority.
- 56. Orders and regulations.
- 57. Expenses.

Interpretation, Repeals, etc.

Section

58. Interpretation.
59. Repeal or amendment of local enactments.
60. Minor amendments, repeals and savings.
61. Short title, commencement and extent.

SCHEDULES:

- First Schedule—Procedure for making certain Orders and Provisions as to their Validity.
Second Schedule—Consequential and Minor Amendments.
Third Schedule—Enactments Repealed.

An Act to amend and consolidate certain enactments in Scotland relating to food and drugs, and for purposes connected therewith. [15th March, 1956]

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

- 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. Offences in connection with preparation and sale of injurious foods and adulterated drugs.
- (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.

PART I
—cont.

(4) A person who contravenes any of the foregoing provisions of this section shall be guilty of an offence against this Act.

(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, and did not himself make, or cause to be made, any material alteration in the substance of that advertisement.

**General
protection
for purchasers
of food and
drugs.**

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 against this Act.

(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.

**Defences
available in
proceedings
under s. 2.**

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 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 the said section two for an offence alleged to have been committed by the sale of an article containing extraneous matter, it shall be a defence for the person charged 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 for an offence alleged to have been committed by the sale of diluted spirit, being whisky, brandy, rum or gin, it shall be a defence for the person charged to prove that the spirit was diluted with water only and that its strength was not lower than thirty-five degrees under proof; but nothing in this subsection shall affect 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).

4.—(1) The Secretary of State may, so far as appears to him 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:—

Regulations
as to
composition
of food, etc

- (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 Scotland, or 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 his functions under this section the Secretary of State 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.

PART I
—cont.

(3) Regulations made under this section may apply to cream and separated milk, 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 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.

Power of
Secretary of
State to
obtain
particulars of
certain food
ingredients.

5.—(1) For the purpose of enabling him to exercise his functions under the last foregoing section, the Secretary of State 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 or importation or use of substances of any class specified in the order to furnish to him, 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.

(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 or inquiries carried out by or to the knowledge of the person carrying on the business in question for the purpose of determining whether and to 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 such 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 Secretary of State, so far as may be necessary for the purposes of the last foregoing section or of any corresponding enactment for the time being in force in England and Wales 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 guilty of an offence against this Act.

(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.

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 falsely describes that food or drug, or is calculated to mislead as to its nature, substance or quality, shall be guilty of an offence against this Act, 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.

Labels and advertisements describing incorrectly food or drugs.

(2) Subject to subsection (4) of this section, 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 falsely describes any food or drug or is calculated to mislead as to its nature, substance or quality shall be guilty of an offence against this Act ; and in any proceedings under this subsection against the manufacturer, producer or importer of the food or drug, it shall rest on the accused to prove that he did not publish, and was not a party to the publication of, the advertisement.

(3) 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.

(4) In proceedings under subsection (2) of this section it shall be a defence for the accused to prove either—

(a) that he did not know, and could not with reasonable diligence have ascertained, that the advertisement was

PART I
—cont.

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, and did not himself make, or cause to be made, any material alteration in the substance of that advertisement.

(5) In proceedings for an offence against 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, any reference to sale shall be construed as a reference to sale for human consumption.

Regulations as to labelling and description of food.

7.—(1) Without prejudice to the provisions of the last foregoing section, the Secretary of State 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.

(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 Secretary of State 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.

(4) Regulations made under this section may apply to cream and separated milk, and to any food containing milk ; but except as aforesaid such regulations shall not apply to milk.

Food Unfit for Human Consumption

Prohibition on 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 against this Act.

(2) Where food in respect of which an offence under paragraph (a) of the last foregoing subsection has been committed was sold

to the offender by some other person, that person also shall, subject to the provisions of this section, be guilty of an offence against this Act.

PART I
—cont.

(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—

- (a) that he had no reason to suppose that the person, with whom he deposited, or to whom he consigned or sold the food in question, intended the food for human consumption, and that he gave notice to that person that the food was unfit for such consumption, or
- (b) that, at the time when he delivered or dispatched it to that person, it was fit for human consumption, or
- (c) that, at such time as aforesaid he did not know, and could not with reasonable diligence have ascertained, that it was unfit for human consumption.

9.—(1) An authorised officer of a local authority 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.

Examination
and seizure
of suspected
food.

(2) An officer who seizes any food under the last foregoing subsection shall inform the person in whose possession it was found of his intention to have it dealt with by a justice of the peace, and any person who under the last foregoing section 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.

(3) If it appears to a justice of the peace on sworn information in writing that any food, whether seized under the provisions of this section or liable to be so seized, is unfit for human consumption, he shall condemn it and make an order in writing for it to be destroyed, or to be so disposed of as to prevent it from being used for human consumption, and any such order shall be sufficient evidence of the unfitness for human consumption of the food in question in any proceedings under this Act.

(4) If a justice of the peace refuses to condemn any food seized under this section by an authorised officer of a local authority, the authority shall compensate the owner of the food for any depreciation in its value resulting from its seizure and removal.

(5) In this section any reference to a justice of the peace includes a reference to the sheriff and to a magistrate.

D

PART I
—cont.**Food offered
as prizes, etc.****10.—(1)** Sections eight and nine of this Act shall apply—

- (a) in relation to any food which is intended for human consumption and is offered as a prize or reward or given away in connection with any entertainment to which the public are admitted whether on payment of money or not, as if that 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 that food were, or had been, exposed for sale by the person offering or giving away the food ;
- (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 that 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, trial of skill or any lottery.

**Power to
examine food
in course of
transit.**

11.—(1) Subject to the provisions of this section, if an authorised officer of a local authority 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 of the container, and for that purpose may, if necessary, detain the vehicle or the container, and, if he 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.

(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, and any vehicle belonging to a railway company and used by them for the purposes of their undertaking ; or
- (b) 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.

*Food Hygiene*PART I
—*cont.*

12.—(1) Subject to the provisions of this and the next following section no animal, the meat derived from which is intended for sale for human consumption, shall be slaughtered in any place other than a slaughterhouse unless accident, illness or other emergency affecting such an animal requires that it be slaughtered elsewhere.

Slaughter of
animals
intended for
food.

(2) 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.

(3) Any person who contravenes any of the provisions of the two last foregoing subsections shall be guilty of an offence against this Act.

(4) In this section—

(a) in subsection (1) the expressions “animal” and “slaughterhouse” have the same meanings as in Part II of the Slaughterhouses Act, 1954; and

(b) in subsection (2) the reference to an animal includes a reference to poultry.

13.—(1) The Secretary of State may make such regulations as appear to him to be expedient for securing the observance of sanitary and cleanly conditions and practices in connection with the sale of food for human consumption or 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.

Regulations
as to food
hygiene.

(2) Without prejudice to the generality of the last foregoing subsection, regulations made by the Secretary of State under this section may make provision—

(a) for imposing requirements as to the construction, layout, drainage, equipment, maintenance, cleanliness, ventilation, lighting, water supply, and use of premises in, at or from which food is sold, or offered, exposed, stored or prepared for sale for human consumption (including any parts of such premises in which apparatus, equipment, containers or 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, containers or utensils used in

PART I
—cont.

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, equipment, containers or utensils designed for use in the preparation of food for human consumption, and the sale or importation for sale of apparatus, equipment, containers 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 or offered, exposed, stored or prepared for sale for human consumption (including any parts of such premises in which apparatus, equipment, containers or 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 for the purpose of ascertaining whether meat intended for sale for human consumption is fit for such consumption ;
- (g) for requiring the staining or sterilisation 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 such yards or which, though not unfit for human consumption, is not intended therefor ;
- (h) for regulating generally the treatment and disposal of such meat and of any food unfit for human consumption ;
- (i) 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 shell-fish 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.

(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 of section fifty-six of this Act, any such regulations imposing requirements in respect of premises may—

- (a) impose responsibility for compliance with those requirements 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 ;

- (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) The Secretary of State may make regulations imposing, to such extent as may seem to him appropriate, in respect of accommodation in home-going ships, and in respect of vehicles, stalls, and places other than premises any requirement which could be imposed under the foregoing provisions of this section in respect of premises.

(6) The Secretary of State shall from time to time take such steps as he thinks 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.

Registration

14.—(1) Subject to the provisions of this section, and to such exceptions as the Secretary of State may by order prescribe, no person shall use any premises for the preparation, exposure, or offer for sale or sale of food for human consumption, or the storage of food intended for sale for human consumption, in the course of any business of a class prescribed by order made by the Secretary of State unless he is registered in respect of the premises for that purpose by the local authority.

Registration
of
manufacturers
and traders.

(2) Subject to the following provisions of this section, and to such exceptions as the Secretary of State may by order prescribe, no person shall engage, otherwise than in, at or from premises, in any business of a class prescribed by order and consisting of or including the preparation, exposure, or offer for sale, or sale of food for human consumption or the storage of food intended for sale for human consumption unless he is registered by the local authority, and the provisions of this and the next following section in respect of premises shall apply to such persons and where applicable to vehicles, stalls or places in, at or from

PART I
—cont.

which any such business is carried on with such adaptations or modifications as the Secretary of State may by such order prescribe.

(3) An application for registration in respect of any premises under this section shall be made by the person who proposes to use the premises and shall contain such information in relation to these premises as the local authority may require, and, in the case of an application in respect of premises not yet erected, or of premises to be reconstructed, shall be accompanied by plans showing the proposed works.

(4) A local authority shall require a person who applies for registration under this section to give to them before his application is considered information as to any similar registration for which he has applied at any time either in their area or in the area of any other local authority.

(5) Subject to the provisions of the next following section the local authority shall, on an application for registration being duly made by a person in respect of any premises, register that person in respect of the premises, and shall upon so registering him issue to him a certificate in that behalf.

(6) The registers kept by a local authority for the purposes of this section shall be open to public inspection free of charge at all reasonable hours.

(7) A certificate granted by a local authority under this section shall be kept fixed in a conspicuous place in the premises.

(8) Subject to the provisions of section fifty-one of this Act, where a person engaged in a class of business prescribed by an order made under this section has, in accordance with the provisions thereof, made an application for registration on or before a date specified by the order in that behalf he shall be entitled to engage in that business until such later date as may be appointed in the order or until the application is refused whichever is the earlier.

(9) Where, upon any change in the occupation of premises in respect of which there is a registration under this section, the incoming occupier within fourteen days of the said change applies for such a registration for the same purpose as was specified in the registration first-mentioned, he may use the said premises for that purpose from the date of the change until his application has been refused, or is deemed to have been refused by virtue of the next following section.

(10) Where a person who is registered under this section dies, the registration shall, unless previously revoked or cancelled, enure for the benefit of his executor or his widow, or any other member of his family, until the expiration of six months from his death, or until the expiration of such longer period as the registering authority may for special reasons allow.

(11) Any person who contravenes any of the provisions of subsections (1), (2) and (7) of this section shall be guilty of an offence against this Act.

15.—(1) Subject to the provisions of this section, if in the case of an application for registration under the last foregoing section or of a registration under that section, it appears to the local authority—

Refusal, etc.,
of registration
under s. 14.

- (a) that any person applying for registration under the last foregoing section or who is so registered is not suitable having regard to considerations of public health and to the requirements of any enactment relating to food to make use of any premises for the purpose specified in the application or the certificate of registration, as the case may be ; or
- (b) that the requirements of regulations in force under section thirteen of this Act are not complied with in connection with the business carried on at the premises specified in that registration, or in connection with the premises so specified, or, as the case may be, in connection with the premises specified in the application ; or
- (c) that the premises or any part thereof 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 refuse or, as the case may be, may cancel or vary the registration.

(2) A local authority shall not refuse, cancel, or vary any registration unless—

- (a) they have served on the applicant or the person registered in respect of the premises a notice of their proposal so to do for reasons specified in the 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 will take the matter into consideration, and informing him that he may attend or be represented before them, with any witnesses he desires to call, at that place and time to show cause why the authority should not proceed with the proposal ; and
- (b) the applicant or person registered as aforesaid fails to show cause to their satisfaction.

(3) If the local authority refuse, cancel, or vary a registration they shall forthwith give the applicant or the person registered in respect of the premises notice of their decision in the matter.

PART I
—cont.

(4) An application for registration shall, if not already determined by the local authority, be deemed to have been refused by the authority—

(a) in the case of a person referred to in subsection (8) of the last foregoing section, at the date appointed by the Secretary of State ; and

(b) in any other case, at the expiry of three months from the date upon which the application was made.

(5) A person aggrieved by a decision of a local authority under this section to refuse, cancel, or vary any registration may appeal to the sheriff.

(6) On any appeal to the sheriff under this section the sheriff may make such order in the matter as he thinks equitable, and any order so made shall be binding and conclusive on all parties.

*Special provisions as to certain foods*Regulations as
to milk.

16.—(1) The Secretary of State 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.

(2) The Secretary of State may make regulations for prohibiting or restricting the application of any specified description in relation to milk intended for sale for human consumption (being a description which in the opinion of the Secretary of State ascribes to the milk a quality higher than the minimum quality prescribed for milk under regulations made under the last foregoing subsection), unless that milk contains not less than a specified quantity of any specified normal constituent, and conforms to such other requirements as such regulations may prescribe as regards the production and description of such milk and the use of a special designation in relation to it.

(3) In the last foregoing subsection “special designation” means a designation within the meaning of section three of the Milk and Dairies (Amendment) Act, 1922.

(4) Regulations made under this section shall not apply to cream.

Certain
additions not
to be made to
milk and
certain liquids
not to be sold
as milk.

17.—(1) No person shall—

(a) add any water or colouring matter, or any dried or condensed milk or liquid reconstituted therefrom, to milk intended for sale for human consumption ; or

(b) add any separated milk, or mixture of cream and separated milk, to unseparated milk intended for such sale ;
or

(c) 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 provisions of this subsection.

(2) No person shall sell, or offer or expose for sale, or have in his possession for the purpose of sale, as milk any liquid in the making of which any separated milk or any dried or condensed milk has been used.

PART I
—cont.

(3) Any person who contravenes any of the provisions of this section shall be guilty of an offence against this Act.

18.—(1) Subject to the provisions of this section, no person shall sell, or offer or expose for sale, for human consumption— ^{Cream} _{substitutes.}

(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—

(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 or butter ;

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 not 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 against this Act.

D*

PART I
—cont.

Sign to be displayed on premises, etc., where horseflesh is sold for human consumption.

19.—(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 other than premises over or on which a notice in legible letters not less than four inches in height stating that horseflesh is sold there, is at all times displayed in a conspicuous position.

(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 against this Act.

(4) If any horseflesh is exposed for sale elsewhere than in premises or in a stall, vehicle or place other than premises 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.

Cleansing of shell-fish

Provision of means for cleansing shell-fish.

20.—(1) A local authority may provide, whether within or without their area, tanks or other apparatus for cleansing shell-fish and may make charges in respect of the use of any tank or other apparatus so provided.

(2) A local authority may contribute towards the expenses incurred under this section by any other local authority or any combination of local authorities, or towards expenses incurred by any other person in providing, and making available to the public, means for cleansing shell-fish.

(3) In this section the expression “ cleansing shell-fish ” includes the subjection of shell-fish to any germicidal treatment.

(4) 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.

*Cold Stores*PART I
—cont.Establishment
by local
authority of
cold stores.

21.—(1) A local authority may, with the approval of the Secretary of State, provide a cold store 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 :

Provided that any proposal to provide under this section a cold store within the area 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 consent is unreasonably withheld shall be referred to and determined by the Secretary of State.

(2) A local authority who apply for the approval of the Secretary of State under this section shall give notice thereof by advertisement in one or more newspapers circulating in their area, and, where the consent of the local authority of another area is required, in one or more newspapers circulating in that area, which advertisement shall state that objections to the said application may be made to the Secretary of State within a period of four weeks from the date of the advertisement.

(3) If any objection duly made as aforesaid is not withdrawn the Secretary of State shall, before approving the application, cause a local inquiry to be held.

Food poisoning

22.—(1) If a registered medical practitioner becomes aware, or suspects, that a patient whom he is attending within the area of any local health authority is suffering from food poisoning, other than a disease which is notifiable under any other enactment, he shall forthwith send to the medical officer for that area a certificate stating—

Notification of
cases of food
poisoning.

- (a) the name, age and sex of the patient, and the address of the premises or other place 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 general medical practice of the practitioner, or in his practice as medical officer of a public body or institution.

(2) A local health authority shall pay to a registered medical practitioner for each certificate duly sent by him under the last foregoing subsection to their medical officer a like fee to that which may from time to time be prescribed in regulations made under section one of the Public Health (Scotland) Act, 1945, in relation to the notification by registered medical practitioners of cases of certain diseases.

23. After paragraph (c) of subsection (1) of section one of the Public Health (Scotland) Act, 1945 (which section empowers the Secretary of State by regulations to provide among other

Amendment
of s. 1 of
Public Health
(Scotland)
Act, 1945.

D* 2

PART I
—cont.

things for preventing the spread of certain diseases), there shall be inserted the following paragraph—

“(d) for preventing the contamination of food by any person affected with a condition or disease likely to cause food poisoning;”

and after the words “to any disease” there shall be inserted the words “or condition”.

Provisions as
to suspected
food.

24.—(1) If the medical officer of any local authority has reasonable ground for suspecting that any food 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.

A person who uses or removes any food in contravention of the requirements of a notice given under this subsection shall be guilty of an offence against this Act.

(2) If as a result of his investigations the medical officer is satisfied that the food 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 food in charge of the person to whom the notice has been given as to which he is not so satisfied.

(3) Where a notice given under subsection (1) of this section is withdrawn by the medical officer, or the medical officer under subsection (2) of this section causes any food to be destroyed, the local authority shall compensate the owner of the food 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 food if the local authority prove that it was likely to cause food poisoning;
- (b) no compensation shall in any case be payable under this section in respect of any food manufactured on or brought within any premises while a notice given under subsection (1) of this section with respect to anything on those premises was operative.

For the purposes of this subsection the value of any food shall not be assessed at a sum exceeding the cost incurred by the owner in making or purchasing it.

(4) In this section the expression “food poisoning” includes any disease transmissible by food.

PART II

ADMINISTRATION AND ENFORCEMENT

Administration

25.—(1) There shall be constituted a Council, to be called the **Scottish Food Hygiene Council**, which shall consist of a chairman appointed by the Secretary of State and such number of other members so appointed as the Secretary of State may determine.

(2) The members of the said Council so appointed shall include—

- (a) persons appearing to the Secretary of State 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 Secretary of State 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 Secretary of State 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 Secretary of State may determine.

(3) The Secretary of State may from time to time refer to the said Council for consideration or advice such questions as he thinks fit, being questions relating to this Act as it applies in relation to food.

(4) Without prejudice to the last foregoing subsection, where the Secretary of State proposes—

- (a) to make any regulations under section seven or section thirteen of this Act, or
- (b) to make any order under section fourteen of this Act, or
- (c) to publish any such code of practice as is mentioned in subsection (6) of section thirteen of this Act,

he shall (unless it appears to him 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 a draft code of practice or otherwise, to the Scottish Food Hygiene Council for consideration and advice.

(5) The said Council may make representations to the Secretary of State on the operation of any regulation, order or code of practice published or, as the case may be, made under any of the sections referred to in the last foregoing subsection, or having effect as if so made.

PART II
—cont.

(6) The Secretary of State may, out of moneys provided by Parliament, pay to the chairman and other members of the Scottish Food Hygiene 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, or to attend such meetings, as the case may be.

(7) Nothing in this section shall be taken as prejudicing the effect of subsection (6) of section fifty-six of this Act.

**Administrative
authorities.**

26.—(1) It shall be the duty of a local authority or, where an order has been made under the next following subsection, of a port local authority, to enforce and execute the provisions of this Act within their area with respect to which the duty is not expressly or by necessary implication imposed on some other authority.

(2) Orders made by the Secretary of State under section one hundred and seventy-two of the Public Health (Scotland) Act, 1897, may assign to a port local authority any of the functions, rights and liabilities of a local authority under this Act.

(3) Regulations made under Part I of this Act may specify the authorities, whether county councils, town councils, port local authorities or the Commissioners of Customs and Excise, by whom they are to be enforced and executed, and 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.

(4) Subject to the foregoing provisions of this section, in this Act the expression "local authority" means the council of a county or of a large burgh within the meaning of the Local Government (Scotland) Act, 1947; and any small burgh within the meaning of that Act shall, for the purposes of this Act, be included in the county in which it is situated.

(5) For the purposes of this section the expression "port local authority" includes a joint port local authority.

(6) Nothing in the provisions of this Act shall be construed as authorising any authority charged with the enforcement of this Act or regulations made thereunder to institute proceedings for any offence.

*Sampling and Analysis***Public analysts.**

27.—(1) Every local 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 prescribed qualifications or such other qualifications as the Secretary of State 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.

(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 Secretary of State.

(4) A local authority shall pay to a public analyst such remuneration as may be agreed, and such remuneration 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 local 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.

(6) 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 any reference in the following sections of this Act to a public analyst shall be construed as including a reference to a deputy public analyst appointed under this section.

28.—(1) An authorised officer of a local authority 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 or aircraft or place other than premises 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 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.

PART II
—cont.

(5) Except as provided in the last foregoing subsection, 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 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 or otherwise carried as part of the cargo of that ship or aircraft for unloading at a place in Scotland.

(6) Nothing in the provisions of Part IV of the Licensing (Scotland) Act, 1903, relating to the sale of exciseable liquors on Sunday shall apply in relation to the purchase of a sample of such liquor by a sampling officer.

**Right to have
samples
analysed.**

29.—(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, drug or 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, and give to the person by whom it was submitted a certificate in the prescribed form specifying the result of the analysis:

Provided that, in the case of a sample submitted by a person not being an officer of the local authority, the analyst may demand in advance such fee as may be fixed by that authority.

(4) If the office of public analyst for the area in question is vacant, or if the public analyst for that area 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, upon payment to him of such sum as may be agreed, he shall analyse it and give to the person by whom it was submitted such a certificate as aforesaid.

(5) 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 in accordance with the provisions of 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 (3) of this section.

(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 his direction.

PART II
—cont.

30.—(1) A sampling officer who procures a sample of any food, drug or substance for the purpose of analysis by a public analyst shall forthwith divide it into three parts, each part to be marked and sealed or fastened up in such manner as its nature will permit, and shall deal with the parts in accordance with the following provisions of this section.

Disposal of
samples taken
for analysis.

(2) Subject to the provisions of this section, the sampling officer shall dispose of one part of the sample as follows, that is to say—

- (a) in the case of a sample purchased by the sampling officer, he shall give the part to the vendor ;
- (b) in the case of a sample of goods consigned from outside Scotland taken by the sampling officer before delivery to the consignee, he shall give the part to the consignee ;
- (c) in the case of a sample of milk taken by the sampling officer otherwise than as mentioned in the last foregoing paragraph, he shall give the part to the person who caused the milk to be placed in the container from which the sample was taken ;
- (d) in the case of a sample of any food or substance taken by the sampling officer at the request of a purchaser, or taken with the consent of a purchaser by retail, not being a sample taken as mentioned in the foregoing paragraphs, he shall give the part to the vendor ;
- (e) in the case of a sample taken in transit by the sampling officer otherwise than as mentioned in the foregoing paragraphs, he shall give the part to the consignor ;
- (f) in any other case, the officer shall give the part to the person appearing to be the owner of the food, drug or substance,

and in each case the sampling officer shall inform the person to whom the part is given that the sample was purchased or taken for the purpose of analysis by a public analyst.

(3) 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 the last foregoing section, and retain the other for future comparison.

(4) If it appears to a sampling officer that any food, drug or substance of which he has procured a sample for the purpose

PART II
—cont.

of analysis 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 this section) 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.

(5) In relation to a sample purchased from an automatic machine, paragraph (a) of subsection (2) of this section shall have effect as if for the reference to the vendor there were substituted a reference—

- (a) if the name and address (being an address in Scotland) 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.

(6) Any part of a sample which under this section 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.

(7) The foregoing provisions of this section (except subsection (4)) 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 to a sampling officer shall be construed accordingly.

Special provisions as to the sampling of milk and proceedings subsequent thereto.

31.—(1) The provisions of this Act relating to the procuring of samples by sampling officers, and proceedings in connection therewith, shall, in relation to milk, have effect subject to the provisions of this section.

(2) Where milk sold or exposed for sale within the area of any local authority is obtained from a dairy situated outside that area, an authorised officer of the local authority may by notice in writing to an authorised officer of the local authority within whose area the dairy is situated, or through whose area the milk is transported, request him to procure a sample of the milk and it shall be the duty of an officer who receives such a notice to procure, as soon as is practicable, a sample of the milk in question and to forward those parts of the sample mentioned in subsection (3) of the last foregoing section to the officer who gave the notice, or to such person as that officer may direct, and, for the purposes of this Act, a sample so procured shall be

deemed to have been procured within the area for which the last-mentioned officer acts:

PART II
—cont.

Provided that expenses incurred by an officer in complying with a notice given to him under this subsection 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 Secretary of State.

(3) Any power of an authorised officer in respect of procuring samples of milk may be exercised at a place outside the area of the local authority whose officer he is, if the local 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 local authority, 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 local authority shall not unreasonably withhold consent for the purposes of this subsection and any question whether or not consent is unreasonably withheld shall be referred to and determined by the Secretary of State.

(4) 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 such sample, or to give to that person notice that a sample has been so procured, shall be void.

For the purposes of this subsection the expression "purveyor of milk" means any person who sells milk whether wholesale or by retail.

(5) Subject to the provisions of the next following subsection, in any proceedings for an offence in respect of a sample of milk taken from any container, such milk shall, unless the contrary is proved, be presumed as regards any deficiency in any of its normal constituents, or as regards the proportion of water therein, to have remained unaltered from the time the milk was placed in such container until the time when the sample was taken.

(6) It shall be a defence for a person charged with any offence against this Act or against the Milk (Special Designations) Act, 1949, in respect of a sample of milk taken after the milk has left his custody or control, to prove that the container from which the sample was taken was effectively closed and sealed at the time when it left his custody or control, but had been opened before the person by whom the sample was taken had access to it.

32. The Secretary of State, in relation to any matter appearing to him to affect the general interests of consumers, may direct an officer of his department to procure samples of any specified food, and thereupon the officer shall have all the Power of Secretary of State to have foods analysed and examined.

PART II
—cont.

powers of a sampling officer, and this Act shall apply as if he were a sampling officer, except that any fee for analysis shall be payable by the Secretary of State.

Provision as to cases in which division of sample into parts is impracticable.

33. 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 section thirty of this Act, 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 three lots and deals with each lot as if it were a part in the manner provided by that section ; and references in this Act to a part of a sample shall be construed accordingly.

Examination by local authorities of food not for sale.

34.—(1) 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.

(2) Subject to the provisions of section twenty-four of this Act, where any food examined in pursuance of the last foregoing subsection is found to be unfit for human consumption, the local authority may, with the consent of the aforesaid person, arrange for the disposal of the food.

Quarterly reports by analysts.

35.—(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 or on his behalf 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.

(2) Every local authority shall transmit to the Secretary of State, at such times as he may direct, a copy of each quarterly report received by them from a public analyst together with details of any action taken in each case.

Entry, obstruction, etc.

Power to enter premises.

36.—(1) Subject to the provisions of this section, any authorised officer of a local authority 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 made thereunder, being provisions which the authority are required or empowered to enforce ; and
- (b) generally for the purpose of the performance by the authority of their functions under this Act, or such regulations :

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 are reasonable grounds 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 local authority 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 unauthorised entry as he found them.

(4) Every warrant granted under this section shall continue in force for a period of one month.

(5) If—

(a) any person who, in compliance with the provisions of this section, or of a warrant issued thereunder, enters 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 ; or

PART II
—cont.

(b) any member or officer of a local authority or officer of the Secretary of State, to whom by reason of his official position any information obtained as aforesaid is disclosed, discloses that information to any person ; he shall, unless such disclosure was made in the performance of his duty, be guilty of an offence against this Act.

(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 byre 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) The provisions of this section shall not apply in relation to the enforcement of regulations made by the Board of Trade under section seven of this Act, but 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 included references respectively to regulations so made as aforesaid and to the requirements of such regulations.

(8) In this section, any reference to a justice of the peace includes a reference to the sheriff and to a magistrate.

Power to
enter ships,
aircraft,
vehicles, etc.

37.—(1) An authorised officer of a local authority shall, on producing, if so required, some duly authenticated document showing his authority, have a right at all reasonable hours—

- (a) to enter any ship or aircraft for the purpose of ascertaining whether there is in the ship or aircraft any food imported or otherwise carried as part of the cargo for unloading at a place in Scotland in contravention of the provisions of regulations made under Part I of this Act being provisions which the authority 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), (3), (4), (6) and (7) of the last foregoing section shall apply in relation to any ship, aircraft, vehicle, stall or place other than premises, 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 other than premises.

38.—(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 local authority into whose area 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) Any person who fails to comply with any direction given under the last foregoing subsection or who in any notification thereunder knowingly makes any misstatement shall be guilty of an offence against this Act.

39.—(1) A person who wilfully obstructs any person acting in the execution of this Act or of any regulation, order or warrant made or issued thereunder, shall be guilty of an offence against this Act.

PART II
—cont.
Restriction on
movement of
imported food.

Offences in
relation to
execution
of Act.

(2) If a sampling officer applies to purchase any food, drug or substance offered or exposed for sale, and tenders the price for the quantity which he requires as a sample, and the person offering or exposing the food, drug or substance for sale refuses to sell to the officer such quantity thereof as aforesaid, or if the seller or consignor, or any person having for the time being the charge of any food or substance of which an officer is empowered to take a sample, refuses to allow the officer to take the quantity which he requires as a sample, the person so refusing shall, for the purposes of the last foregoing subsection, be deemed to have wilfully obstructed the officer :

Provided that, where any food, drug or substance is offered or exposed for sale in an unopened container, 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, 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 guilty of an offence against this Act :

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.

PART III

PROCEDURE AND EVIDENCE

Legal proceedings and evidence

Penalties.

40.—(1) A person guilty of an offence against this Act shall be liable—

(a) on summary conviction to

(i) a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding six months or to both such fine and imprisonment ; and

(ii) in the case of a continuing offence to a further fine not exceeding ten pounds for every day during which the offence is continued ; or

(b) on conviction on indictment to

(i) a fine not exceeding five hundred pounds or to imprisonment for a term not exceeding one year or to both such fine and imprisonment ; and

(ii) in the case of a continuing offence to a further fine not exceeding fifty pounds for every day during which the offence is continued.

(2) Subsection (2) of section five of the Milk and Dairies (Amendment) Act, 1922 (which provides a special penalty in respect of the sale of tuberculous milk), shall cease to have effect, and for subsection (1) of section nine of that Act and subsection (1) of section twenty-four of the Milk and Dairies (Scotland) Act, 1914, (which respectively provide penalties for offences against the provisions of those Acts) there shall be substituted the following subsection :—

“ (1) A person guilty of a contravention of or a failure to comply with the provisions of this Act or of any order made thereunder, or any person who wilfully obstructs any person acting in the execution thereof, shall be liable to be proceeded against in like manner as if he were guilty of an offence against the Food and Drugs (Scotland) Act, 1956, and subsection (1) of section forty of that Act (which relates to the punishment of offences against that Act) shall apply accordingly.”

Proceedings.

41.—(1) Subject as hereinafter provided, 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 where a sample of milk procured within one area is for the purposes of this Act deemed to have been procured within another area, proceedings in the sheriff court may, at the

option of the prosecution, be taken either before a court having jurisdiction within the area within which the sample was procured, or before a court having jurisdiction within the area within which it is deemed to have been procured.

PART III
—cont.

(2) In any proceedings under this Act in respect of an article or substance sampled, the case shall not proceed to trial less than fourteen days from the day on which the complaint or, as the case may be, the indictment was served, and a copy of any certificate of analysis obtained on behalf of the prosecutor shall be served with the complaint or, as the case may be, the indictment.

(3) Where a sample has been procured under this Act no proceedings in respect of the article or substance sampled shall be commenced after the expiry of two months beginning with the date on which the sample was procured unless the court is satisfied that, having regard to the circumstances of the particular case, it was not practicable to take proceedings at an earlier date.

(4) The time within which summary proceedings may be commenced under section forty-seven of this Act in respect of the giving of a false warranty shall, instead of being six months in accordance with the provisions of section twenty-three of the Summary Jurisdiction (Scotland) Act, 1954, be twelve months.

(5) 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 trial.

(6) Where an offence against this Act or any regulations or order made thereunder 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 purporting to act in 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.

In this 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.

(7) Any offence against regulations or orders made under this Act may be prosecuted summarily or, where the regulations or orders so provide, on indictment.

PART III
—cont.Evidence of
certificates of
analysis, etc.

42.—(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 prescribed form, 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, and in that event the evidence of the analyst shall be sufficient evidence of the aforesaid facts.

(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 accused with the complaint or, as the case may be, the indictment, be sufficient evidence of compliance with those provisions, unless the accused requires that the officer shall be called as a witness, and in that event the evidence of the officer shall be sufficient evidence of such compliance.

(3) In any such proceedings, if an accused person 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 the last foregoing subsection 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 case proceeds to trial, and, if this requirement is not complied with, the court may, if it thinks fit, adjourn the diet on such terms as it deems proper.

(4) Regulations made under Part I 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 the said Part I ; or

(b) for an offence against 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.

43. For the purposes of this Act and of any regulations 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 or on any vehicle, stall or place other than 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 or on any vehicle, stall or place other than premises used for the 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 or on any vehicle, stall or place other than premises on which that article is prepared, shall, until the contrary is proved, be presumed to be intended for such use.

44.—(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 (5) of section forty-one 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 accused as the court may order.

Power of court
to require
analysis by
Government
Chemist.

(2) If, in a case where an appeal is brought, no action has been taken under the last 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 sufficient 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, and in that event the evidence of that person shall be sufficient evidence of the aforesaid facts.

PART III
—cont.

Contravention
due to default
of some
other person.

45.—(1) Where a contravention of any provision of this Act, or of any regulation or order made thereunder, for which any person is liable to a penalty was due to an act or default of any other person, then, whether proceedings are or are not taken against the first-mentioned person, that other person may be charged with and convicted of the contravention and shall be liable on conviction to the same punishment as might have been inflicted on the first-mentioned person if he had been convicted of the contravention.

(2) Where a person who is charged with a contravention of any provision of this Act, or of any regulation or order made thereunder, proves to the satisfaction of the court that he has used all due diligence to secure that the provision in question was complied with and that the contravention was due to the act or default of some other person, the first-mentioned person shall be acquitted of the contravention.

Conditions
under which a
warranty may
be pleaded
as defence.

46.—(1) Subject to the provisions of this section, in any proceedings for an offence against this Act, or any regulations made thereunder or any order deemed to be so made, 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 accused person to prove—

- (a) that he purchased it as being an article or substance which could be lawfully 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 accused person has within seven days, or such longer period as the court may allow, of the service of the complaint, or, as the case may be, the indictment, 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 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 accused person proves that he had taken reasonable steps to ascertain and did in fact believe in the accuracy of the statement contained therein.

(3) Where the accused person 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 accused person.

PART III
—cont

(4) The person by whom the warranty is alleged to have been given shall be entitled to appear at the diet and to give evidence, and the court may, if it thinks fit, adjourn the diet 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 or any order deemed to be so made.

(6) The provisions of this section shall not apply in the case of proceedings which relate to milk or butter-milk.

47.—(1) An accused person 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 against this Act.

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 the last foregoing section, gives to the purchaser a false warranty in writing, shall be guilty of an offence against this Act, 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 accused in a prosecution under this Act relies successfully on a warranty given to him or to his employer, any proceedings under the last foregoing subsection in respect of the warranty may, at the option of the prosecution, be taken either before the court having jurisdiction in the place where a sample of the article or substance to which the warranty relates was procured, or before the court having jurisdiction in the place where the warranty was given.

Compensation, etc.

48. Where by any of the foregoing provisions 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 a single arbiter, who, failing agreement between the parties, shall be appointed by the sheriff.

Disputes as to
any compensation.

PART III
—cont.

Apportionment
of expenses of
alterations to
premises.

49. If any person, being either the owner or the occupier of premises, who has incurred or is about to incur any expense for the purpose of securing that the requirements of any regulation made under section thirteen of this Act are complied with with respect to the premises, alleges that the whole or any part of the expense ought to be borne by any other person having an interest in the premises, he may apply to the sheriff in whose jurisdiction the premises are situated, and the sheriff may make such order concerning the expenses or their apportionment as appears to him, having regard to all the circumstances of the case, including the terms of any contract between the parties, to be just and equitable, and any order made under this section may direct that any such contract as aforesaid shall cease to have effect in so far as it is inconsistent with the terms of the order.

Appeals against decisions of local authorities

Appeals to the
sheriff against
decisions
of local
authorities.

50.—(1) Where any enactment in, or regulation made under, this Act provides for an appeal to the sheriff against a refusal or other decision of a local authority, the time within which such an appeal may be brought shall be one month from the date on which notice of the local authority's refusal or other decision was given to the person desiring to appeal, or from the date on which a refusal is deemed to have been made under the provisions of subsection (4) of section fifteen of this Act.

(2) In any case where such an appeal lies, the document notifying to the person concerned the decision of the local authority in the matter shall state the grounds on which that decision is based, the right of appeal to the sheriff, and the time within which such an appeal may be brought.

Right to carry
on business in
certain cases
while appeal
is pending.

51. Where a decision of a local authority under this Act refusing, cancelling, or varying a registration 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 local 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.

PART IV

MISCELLANEOUS AND GENERAL

Miscellaneous

Application to
the Crown.

52.—(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.

(2) Without prejudice to the generality of the last foregoing subsection, an Order under this section may make special provision for the enforcement of any provisions applied by the Order, and, where any provision so applied 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.

53.—(1) A local authority may be authorised by the Secretary of State to purchase compulsorily any land, whether situated within or outside its area, for the purpose of any of their functions under this Act. Acquisition of land.

(2) The Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947, shall apply in relation to the compulsory purchase of land under this section as if subsection (1) thereof had been in force immediately before the commencement of that Act.

54. The maximum period for the repayment of sums borrowed by a local authority for the purposes of this Act shall be such period not exceeding sixty years as may be sanctioned by the Secretary of State; and accordingly there shall be added to the Sixth Schedule to the Local Government (Scotland) Act, 1947, the following entry, that is to say— Borrowing by local authorities.

“Food and Drugs (Scotland) Act, 1956.	Such period not exceeding sixty years as the Secretary of State may fix.”
---	--

55.—(1) If the Secretary of State after communication with a local authority is of opinion that the authority have failed to exercise any of their functions under this Act or under any regulations or order made thereunder by him he may by order empower an officer of his department to exercise or procure the exercise of that function. Default of local authority.

(2) Any expenses incurred in pursuance of the last foregoing subsection by the Secretary of State 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 Secretary of State shall, on demand, be paid to him by the local 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 local authority.

(3) Nothing in this section shall affect any other power exercisable by the Secretary of State with respect to defaults of local authorities.

PART IV
—*cont.*
**Orders and
regulations.**

56.—(1) Any Order in Council made under section fifty-two of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(2) Any power conferred by this Act to make orders (other than orders made by the Secretary of State in pursuance of section fifty-five of this Act) or regulations shall be exercisable by statutory instrument, and any instrument containing an order made under section five of this Act or any such regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) No order shall be made under section fourteen of this Act unless a draft thereof has been laid before Parliament and has been approved by resolution of each House of Parliament.

(4) Regulations made under section thirteen and orders made under section fourteen of this Act may be made so as to apply throughout Scotland or to apply only in such area or areas as may be specified in the regulations or orders, and may contain different provisions for different areas.

(5) Any power conferred by this Act or by the Milk and Dairies (Scotland) Act, 1914, to make orders shall include a power exercisable in the like manner and subject to the same conditions to vary or revoke any such order, and any Order in Council made under section fifty-two of this Act may be revoked or varied by a subsequent Order in Council made thereunder.

(6) Before making orders or regulations under this Act (other than orders made in pursuance of section fifty-five, section fifty-nine or section sixty-one of this Act), the Secretary of State shall consult with such organisations as appear to him to be representative of interests substantially affected by the orders, or regulations.

(7) In relation to regulations made by the Board of Trade under section seven of this Act, the last foregoing subsection shall apply to the Board as it applies to the Secretary of State.

(8) All regulations made under Part I of this Act, without prejudice to the generality of the provisions under which they are made, may—

- (a) modify for the purposes of the regulations any provisions of this Act relating to the procuring, 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 ;

- (c) provide for an appeal to the sheriff or Secretary of State against any refusal or other decision of a local 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 forty of this Act ;
- (f) require persons carrying on any activity to which the regulations apply to keep and produce records and furnish returns ;
- (g) make such consequential, ancillary and incidental provisions as appear to the Secretary of State or, as the case may be, the Board of Trade to be necessary or desirable.

(9) The provisions of the last foregoing subsection shall apply to any order made under section five of this Act, and the provisions of paragraphs (b) and (g) of that subsection shall apply to any order made under section fourteen of this Act, as those provisions apply to the regulations mentioned in the said subsection.

57. There shall be defrayed out of moneys provided by Parliament any expenses incurred by any Minister of the Crown or Government department in consequence of the provisions of this Act. Expenses.

Interpretation, repeals, etc.

58.—(1) In this Act, unless the context otherwise requires— Interpretation.

- “ 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 ;
- “ article ” does not include a live animal or bird ;
- “ authorised officer ” means, as respects any local authority, an officer of the authority authorised by them in writing, either generally or specially, to act in matters of any specified kind or in any specified matter and, for the

PART IV
—cont.

purposes of the provisions of this Act relating to the taking of samples, includes a constable so authorised with the approval of the police authority concerned :

Provided that—

(a) the medical officer and the sanitary inspector of a local authority shall by virtue of their appointments be deemed to be authorised officers for all the purposes of this Act ;

(b) any veterinary surgeon employed by a local authority for the purposes of any regulations made under section thirteen of this Act shall be deemed to be an authorised officer for the examination and seizure of meat ;

“ 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 ;

“ container ” includes a package or receptacle of any kind, whether open or closed ;

“ cream ” means that part of milk rich in fat which has been separated by skimming or otherwise ;

“ dairy ” includes any farm, byre, milk store, milk shop, creamery or other premises from which milk is supplied on or for sale, or in which milk is kept or used for purposes of sale ;

“ drug ” includes medicine for internal or external use ;

“ enactment ” includes an enactment contained in a local Act and any order, regulation or other instrument having effect by virtue of an Act ;

“ 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 ;

“ functions ” includes powers and duties ;

“ home-going ship ” means a ship plying in inland waters, or a ship engaged in coastal passenger services, and for the purposes of this definition “ coastal passenger service ” means a passenger service or excursion between places in Scotland which does not involve calling at any place outside Scotland ;

“ human consumption ” includes use in the preparation of food for human consumption ;

- “importation” has the same meaning as it has for the purposes of the Customs and Excise Act, 1952, and “import” shall be construed accordingly ;
- “knacker’s yard” has the same meaning as in the Public Health (Scotland) Act, 1897 ;
- “local authority” has the meaning assigned to it by section twenty-six of this Act ;
- “local health authority” has the same meaning as in the National Health Service (Scotland) Act, 1947 ;
- “milk” includes cream and separated milk, but does not include dried milk or condensed milk ;
- “officer” includes servant ;
- “premises” means a building or any part thereof and any forecourts, yards and places of storage used in connection therewith ;
- “preparation”, in relation to food, includes manufacture and any form of treatment, and “preparation for sale” includes packaging and wrapping ; and “prepare” and “prepare for sale” shall be construed accordingly ;
- “prescribed” means prescribed by regulations made by the Secretary of State ;
- “public analyst” has the meaning assigned to it by section twenty-seven of this Act ;
- “sampling officer” has the meaning assigned to it by section twenty-eight of this Act ;
- “separated”, in relation to milk, includes skimmed ;
- “ship” includes any boat or craft ;
- “substance” includes any liquid or gas.

(2) For the purposes of this Act—

- (a) the supply of food for human consumption, 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 purchasers shall be construed accordingly ;
- (b) where in connection with any business in the course of which food is supplied the place where food is served to the customers 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, unless the context otherwise requires, be construed as references to that enactment as amended by or under any other enactment including this Act.

PART IV
—cont.

(4) 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.

In this 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.

Repeal or
amendment of
local
enactments.

59.—(1) The provisions of this Act or of any order or regulations made thereunder shall have effect in substitution for the provisions of any local enactment relating to food or drugs, and of like effect, and any such enactment shall, in so far as it is inconsistent with the provisions of this Act or, as the case may be, of such order or regulations, cease to have effect:

Provided that the Secretary of State may, on the representations of a local authority, restrict or exclude by order the operation of any of the provisions of such regulations in the area of that authority.

(2) If it appears to the Secretary of State that any provision of a local enactment such as is mentioned in the last foregoing subsection in force immediately before the coming into operation of any of the provisions of this Act, or of any orders or regulations made thereunder, is inconsistent with such provisions or is no longer required, or requires to be amended having regard to such provisions as aforesaid, he may by order repeal or amend that provision as he may consider appropriate.

(3) The provisions of the First Schedule to this Act shall apply to orders made under the last foregoing subsection.

Minor
amendments,
repeals and
savings.

60.—(1) The enactments mentioned in the first column of the Second Schedule to this Act shall have effect subject to the amendments specified in the second column of that Schedule (being amendments consequential upon the foregoing provisions of this Act or relating to matters of minor detail).

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

(3) Subject to any express provision in this Act to the contrary, in so far as any appointment, agreement or any provision in a regulation or order made, or any notice, direction, consent, approval, warrant, or certificate given under any enactment repealed by this Act, or registration effected, or deemed to

have been effected, proceedings instituted or other thing done under any such enactment could have been made, passed, given, granted, effected, instituted or done under a corresponding provision of this Act, it shall not be invalidated by this repeal, but shall have effect as if it had been made, passed, given, granted, effected, instituted or done under that corresponding provision and may be amended, varied, revoked or enforced accordingly, and, in the case of any legal proceedings, may be continued and appealed against as if this Act had not been passed.

(4) Any order made under Regulation 2 of the Defence (Sale of Food) Regulations, 1943, or any regulation continued in force by virtue of the last foregoing subsection, shall have effect (subject to any variation thereof by regulations under this Act) as if the order or the regulation contained a provision making any contravention thereof, or failure to comply therewith, an offence against this Act.

(5) Any such order as aforesaid shall also have effect,—

- (a) in the case of an order made by the Secretary of State or the Minister of Agriculture, Fisheries and Food, as if it specified local authorities as the authorities to enforce and execute within their areas the provisions of the order ; and
- (b) in the case of an order made by the Board of Trade, as if it specified local authorities for the purposes of the Weights and Measures Acts, 1878 to 1936, as the said authorities.

61.—(1) This Act may be cited as the Food and Drugs (Scotland) Act, 1956.

Short title,
commence-
ment and
extent.

(2) This Act shall come into operation on such date as may be appointed by order of the Secretary of State, and different dates may be appointed for different provisions and different purposes.

(3) This Act shall extend to Scotland only.

SCHEDULES

Section 59.

FIRST SCHEDULE

PROCEDURE FOR MAKING CERTAIN ORDERS AND PROVISIONS AS TO
THEIR VALIDITY

PART I

Procedure for making orders

1. Before making an order to which this Schedule applies the Secretary of State shall, after consultation with any local authority concerned, prepare a draft order, and shall publish once in the Edinburgh Gazette and once at least in each of two successive weeks in one or more newspapers circulating in the area affected by the draft order a notice—

- (a) stating the general effect of the draft order;
- (b) specifying the time (not being less than twenty-eight days) within which and the manner in which objections to the draft order may be made.

2. Not later than the date on which the notice aforesaid is first published, the Secretary of State shall serve a copy of the said notice and of the draft order on any local authority concerned.

3. The Secretary of State shall, at the request of any person interested, furnish him with a copy of the draft order on payment of such charge, not exceeding two shillings, as the Secretary of State thinks reasonable.

4. The Secretary of State may make the order either in the terms of the draft or in those terms as modified in such manner as he thinks fit, but, where he proposes to make any modification and considers that persons other than those to whom the draft order relates may be adversely affected thereby, he shall give and publish additional notices in such manner as he thinks best adapted for informing all persons likely to be affected by the modification proposed.

5. If before the expiration of the time specified under paragraph 1 of this Schedule, or before the expiration of any period specified in notices given under the last foregoing paragraph, an objection is duly received by the Secretary of State from any body on whom notice is required to be served under paragraph 2 of this Schedule, or from any person appearing to him to be affected by the order, or, as the case may be, by the proposed modification, and the objection is not withdrawn, the Secretary of State before making the order shall cause a local inquiry to be held.

6. On the making of an order to which this Schedule applies, the Secretary of State shall, if an objection has been duly made by any person under the foregoing provisions of this Schedule and has not been withdrawn, give notice of the making of the order and of the effect thereof to every person who has made such an objection which has not been withdrawn, and in that case the order shall not have effect until the expiration of twenty-eight days from the date of the said notice; and if within that period any such person gives notice to the Secretary of State that he objects to the order and the objection is not withdrawn, the order shall be subject to special parliamentary procedure.

7.—(1) Any inquiry required by paragraph 5 of this Schedule shall, if the Secretary of State so directs, be held by commissioners under the Private Legislation Procedure (Scotland) Act, 1936, and where any direction is so given it shall be deemed to have been given under section two, as read with section ten, of the Statutory Orders (Special Procedure) Act, 1945.

1st Sch.
—cont.

(2) The publication of a notice in accordance with the provisions of paragraph 1 of this Schedule in connection with any such order as aforesaid shall be deemed to be sufficient compliance with the requirements of the Statutory Orders (Special Procedure) Act, 1945, with regard to the giving of notice by advertisement.

PART II

Provisions with respect to the validity of orders not confirmed by Parliament

8. After the making of an order, the Secretary of State shall publish in the Edinburgh Gazette, and in such other manner as he thinks best adapted for informing persons affected, a notice stating that the order has been made and naming a place where a copy thereof may be seen at all reasonable hours:

Provided that in the case of an order to which paragraph 6 of this Schedule applies the said notice shall not be published until the expiration of the period of twenty-eight days referred to in that paragraph, and the notice shall state whether or not the order is subject to special parliamentary procedure.

9.—(1) If any person aggrieved by an order desires to question its validity on the ground that it is not within the powers of this Act or that any requirement of this Act has not been complied with, he may within six weeks after the date of the first publication of the said notice make an application for the purpose to the Court of Session, and on any such application the Court, if satisfied that the order is not within the powers of this Act or that the interests of the applicant have been substantially prejudiced by a failure to comply with any such requirement as aforesaid, may quash the order either generally or in so far as it affects the applicant; but except as aforesaid the order shall not at any time be questioned in any proceedings whatsoever:

Provided that this paragraph shall not apply to an order which is confirmed by Act of Parliament under section two as read with section ten of the Statutory Orders (Special Procedure) Act, 1945, or under section six of that Act, and shall have effect in relation to any other order which is subject to special parliamentary procedure by virtue of paragraph 6 of this Schedule as if for the reference to the date of the publication of the notice there were substituted a reference to the date on which the order becomes operative under the said Act.

(2) Except by leave of the Court of Session no appeal shall lie to the House of Lords from a decision of the Court of Session under this paragraph.

Section 60.

SECOND SCHEDULE

CONSEQUENTIAL AND MINOR AMENDMENTS

Act to be amended	Amendment
The Milk and Dairies (Scotland) Act, 1914. 4 & 5 Geo. 5. c. 46.	In section twenty-four, in subsection (2) the word "pecuniary" shall be omitted.
The Milk and Dairies (Amendment) Act, 1922. 12 & 13 Geo. 5. c. 54.	In section fourteen, in paragraph (e) for the words "procurator-fiscal" there shall be substituted the word "prosecutor".
Pharmacy and Medicines Act, 1941. 4 & 5 Geo. 6. c. 42.	In section eighteen, at the end there shall be added the following paragraph— “(d) in subsection (2) of section thirteen for the words ‘admissible as’ there shall be substituted the word ‘sufficient’, and at the end of that subsection there shall be inserted the words, ‘and in that event the evidence of that person shall be sufficient evidence of the aforesaid matters’.”
The Milk (Special Designations) Act, 1949. 12 & 13 Geo. 6. c. 34.	In section fifteen, in subsection (1) for the words "under the Milk and Dairies (Amendment) Act, 1922" there shall be substituted the words "against the Food and Drugs (Scotland) Act, 1956".

Section 60.

THIRD SCHEDULE

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
52 & 53 Vict. c. 11.	The Sale of Horse-flesh, etc., Regulation Act, 1889.	The whole Act.
60 & 61 Vict. c. 38.	The Public Health (Scotland) Act, 1897.	Section forty-three.
3 Edw. 7. c. 33.	The Burgh Police (Scotland) Act, 1903.	Section fifty-four. Section ninety-seven so far as relating to the section whereof the marginal note is "Manufacture and sale of ice-cream".
7 Edw. 7. c. 32.	The Public Health (Regulations as to Food) Act, 1907.	The whole Act.
4 & 5 Geo. 5. c. 46.	The Milk and Dairies (Scotland) Act, 1914.	In section twelve, subsection (1), in subsection (2), paragraphs (b) and (c). Section twenty-five.
12 & 13 Geo. 5. c. 54.	The Milk and Dairies (Amendment) Act, 1922.	Section four. In section five, subsection (2). Section eight. In section nine, subsection (3). Section thirteen.

3RD SCH.
—cont.

Session and Chapter	Short Title	Extent of Repeal
18 & 19 Geo. 5. c. 31.	The Food and Drugs (Adulteration) Act, 1928.	The whole Act.
19 & 20 Geo. 5. c. 25.	The Local Government (Scotland) Act, 1929.	In Part I of Schedule I, paragraphs 3, 7, 9, 11, 13, 20 and 26. In Part II of Schedule I, paragraphs 1 and 4.
19 & 20 Geo. 5. c. 32.	The Artificial Cream Act, 1929.	The whole Act.
22 & 23 Geo. 5. c. 28.	The Public Health (Cleansing of Shell-fish) Act, 1932.	The whole Act.
1 Edw. 8. & 1 Geo. 6. c. 67.	The Factories Act, 1937.	In section one hundred and fifty-seven, subsection (1). Part I of the Third Schedule.
1 & 2 Geo. 6. c. 56.	The Food and Drugs Act, 1938.	The whole Act.
—	The Defence (Sale of Food) Regulations, 1943.	The whole Regulations.
—	The Transfer of Functions (Food and Drugs) (Scotland) Order, 1949.	The whole Order.

— 00 —

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Public Health (Scotland) Act, 1897	60 & 61 Vict. c. 38.
Licensing (Scotland) Act, 1903	3 Edw. 7. c. 25.
Milk and Dairies (Scotland) Act, 1914	4 & 5 Geo. 5. c. 46.
Milk and Dairies (Amendment) Act, 1922	12 & 13 Geo. 5. c. 54.
Sale of Food (Weights and Measures) Act, 1926	16 & 17 Geo. 5. c. 63.
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.
Private Legislation Procedure (Scotland) Act, 1936.	26 Geo. 5. & 1 Edw. 8. c. 52.
Pharmacy and Medicines Act, 1941	4 & 5 Geo. 6. c. 42.
Public Health (Scotland) Act, 1945	9 & 10 Geo. 6. c. 15.
Statutory Orders (Special Procedure) Act, 1945	9 & 10 Geo. 6. c. 63.
Statutory Instruments Act, 1946	9 & 10 Geo. 6. c. 36.
National Health Service (Scotland) Act, 1947	10 & 11 Geo. 6. c. 27.
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
Milk (Special Designations) Act, 1949	12, 13 & 14 Geo. 6. c. 34.
Patents Act, 1949	12, 13 & 14 Geo. 6. c. 87.
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.
Slaughterhouses Act, 1954	2 & 3 Eliz. 2. c. 42.
Summary Jurisdiction (Scotland) Act, 1954 ...	2 & 3 Eliz. 2. c. 48.

E*

CHAPTER 31

An Act to make provision as to the operation of the law in relation to Pakistan and persons and things in any way belonging to or connected with Pakistan, in view of Pakistan's becoming a Republic while remaining a member of the Commonwealth. [15th March, 1956]

WHEREAS on the twenty-third day of March, nineteen hundred and fifty-six, Pakistan is to become a Republic while remaining a member of the Commonwealth:

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:—

Operation of existing law in relation to Pakistan in view of Pakistan's becoming a Republic.

1.—(1) On and after the date of Pakistan's becoming a Republic, all existing law, that is to say, all law which, whether being a rule of law or a provision of an Act of Parliament or of any other enactment or instrument whatsoever, is in force on that date or has been passed or made before that date and comes into force thereafter, shall, until provision to the contrary is made by an authority having power to alter that law and subject to the provisions of subsection (3) of this section, have the same operation in relation to Pakistan, and to persons and things in any way belonging to or connected with Pakistan, as it would have had if Pakistan had not become a Republic.

(2) This Act extends to law of, or of any part of, the United Kingdom, Southern Rhodesia, a colony, a protectorate or a United Kingdom trust territory:

Provided that this Act—

- (a) does not extend to any law passed by the Federal Legislature of Rhodesia and Nyasaland;
- (b) extends to other law of, or of any part of, Southern Rhodesia so far only as concerns law which can be amended neither by a law passed by the Legislature thereof nor by a law passed by the said Federal Legislature; and
- (c) extends to other law of, or of any part of, Northern Rhodesia or Nyasaland so far only as concerns law which cannot be amended by a law passed by the said Federal Legislature.

The references in this subsection to a colony, to a protectorate and to a United Kingdom trust territory shall be construed as if they were references contained in the British Nationality Act, 1948.

(3) Her Majesty may by Order in Council make provision for such modification of any existing law to which this Act extends as may appear to her to be necessary or expedient in view of Pakistan's becoming a Republic while remaining a member of the Commonwealth, and subsection (1) of this section shall have effect in relation to any such law as modified by such an Order save in so far as the contrary intention appears in the Order.

An Order in Council under this section—

- (a) may be made either before or after Pakistan becomes a Republic, and may be revoked or varied by a subsequent Order in Council; and
- (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

2. This Act may be cited as the Pakistan (Consequential Short title. Provision) Act, 1956.

CHAPTER 32

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-five, one thousand nine hundred and fifty-six and one thousand nine hundred and fifty-seven.
[28th March, 1956]

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-five and one thousand nine hundred and fifty-six, the sum of sixty-four million, three hundred and thirty-three thousand, five hundred and seventy-eight pounds.

Issue of
£64,333,578
out of the
Consolidated Fund
for the service of
the years ending
31st March, 1955
and 1956.

Issue of
£1,764,835,100 out
of the Consolidated
Fund for the service
of the year ending
31st March, 1957.

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-seven, the sum of one thousand seven hundred and sixty-four million, eight hundred and thirty-five thousand, one hundred pounds.

Power for
the Treasury
to borrow.

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 eight hundred and twenty-nine million, one hundred and sixty-eight thousand, six hundred and seventy-eight pounds.

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-seven, 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 any interest payable thereon, out of the Consolidated Fund, at any period not later than the next succeeding quarter to that in which the money was borrowed.

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

Short title.

4. This Act may be cited as the Consolidated Fund Act, 1956.

CHAPTER 33

Housing Subsidies Act, 1956

ARRANGEMENT OF SECTIONS

Exchequer subsidies

Section

1. Introduction of new housing subsidies.
2. Power to abolish or reduce subsidies.
3. Rate of subsidies for dwellings.
4. Additional subsidies for agricultural dwellings etc.
5. Power to increase subsidies in certain circumstances.
6. Subsidies for expensive sites.
7. Subsidies for privately provided agricultural dwellings.

Provisions relating to other contributions

Section

8. Termination of duty to make rate fund contributions.
9. Power of Minister to recover certain contributions.

General provisions

10. Expenses.
11. Interpretation.
12. Citation, adaptations, repeals and extent.

SCHEDULES:

- First Schedule—Modifications and adaptations in other Acts.
 Second Schedule—Provisions for ascertaining the value of certain sites.
 Third Schedule—Repeals and revocations.

An Act to make provision with respect to contributions in connection with housing accommodation.

[28th March, 1956]

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:—

Exchequer subsidies

1.—(1) The provisions of this Act shall have effect for the purpose of providing exchequer subsidies in respect of, and in certain circumstances in respect of the site of, any new dwelling which is—

Introduction of new housing subsidies.

- (a) provided by a local authority in the exercise of their powers to provide housing accommodation or by a development corporation otherwise than in pursuance of authorised arrangements, being a dwelling the tender or estimate for the erection of which was accepted by a formal resolution of the authority or corporation passed on or after the third day of November, nineteen hundred and fifty-five ; or
- (b) provided by a development corporation or housing association in pursuance of authorised arrangements with a local authority made on or after the said third day of November,

and which is approved for the purposes of this Act by the Minister :

Provided that—

- (i) a formal resolution passed as aforesaid accepting a tender or estimate which was submitted to the Minister

for approval before the said third day of November shall be deemed for the purposes of this subsection to have been passed before that day ; and

- (ii) where, on approving any authorised arrangements made on or after the said third day of November, the Minister is satisfied that the substantial effect of those arrangements had been agreed between the parties before that day, those arrangements shall be deemed for the purposes of this subsection to have been made before that day.

(2) Any exchequer subsidy payable under this Act—

- (a) in respect of, or of the site of, a dwelling such as is mentioned in paragraph (a) of the foregoing subsection shall be paid to the local authority or, as the case may be, to the development corporation ;
- (b) in respect of, or of the site of, a dwelling such as is mentioned in paragraph (b) of that subsection, shall be paid to the local authority, who shall pay to the development corporation or housing association by way of annual grant an amount not less than the exchequer subsidy.

(3) No contribution shall be payable under section one of the Act of 1946, under subsection (2) of section eight of the New Towns Act, 1946, or under subsection (3) of section ninety-four of the principal Act in respect of any dwelling qualified to be considered for approval by the Minister under subsection (1) of this section.

Power to
abolish or
reduce
subsidies.

2.—(1) The Minister may, at any time after the thirty-first day of March, nineteen hundred and fifty-six, and thereafter from time to time, by order direct that, in respect of, or of the site of, dwellings of any description specified in the order, or such dwellings in any area so specified, exchequer subsidies under this Act—

- (a) shall cease to be payable ; or
- (b) shall be reduced to such amount as may be specified in the order ; or
- (c) shall be payable for such reduced number of years as may be so specified.

(2) Any such order shall be expressed to apply to, or to the site of, any dwelling of the description specified in the order—

- (a) the tender or estimate for the erection of which is accepted—
 - (i) by a formal resolution of a local authority ; or
 - (ii) in the case of a dwelling provided by a development corporation otherwise than in pursuance of authorised arrangements, by a formal resolution of the corporation,

- passed on or after a date specified in the order ; or
- (b) which is provided by a development corporation or housing association in pursuance of authorised arrangements made on or after that date.

(3) An order under this section shall be made by statutory instrument and—

- (a) shall not be made unless a draft thereof has been approved by a resolution of the Commons House of Parliament ; and
- (b) shall not specify a date under the last foregoing subsection earlier than the date of the laying of the draft ;

and before laying such a draft the Minister shall consult with such associations of local authorities as appear to him to be concerned and with any local authority with whom consultation appears to him to be desirable.

(4) No order shall be made after the commencement of this Act under section sixteen of the Act of 1946.

3.—(1) In respect of each approved dwelling which satisfies one of the conditions specified in subsection (3) of this section the Minister shall pay for each of the sixty years following the completion of the dwelling an annual exchequer subsidy of— Rate of subsidies for dwellings.

- (a) in the case of a dwelling other than a flat in a block of flats of four or more storeys—
- (i) being a dwelling such as is mentioned in paragraph (a) or (b) of the said subsection (3), twenty-two pounds one shilling ;
- (ii) being a dwelling such as is mentioned in any of paragraphs (c) to (f) of the said subsection (3), twenty-four pounds ;
- (b) in the case of a flat in a block of flats of four storeys, thirty-two pounds ;
- (c) in the case of a flat in a block of flats of five storeys, thirty-eight pounds ;
- (d) in the case of a flat in a block of flats of six or more storeys, fifty pounds, increased by one pound fifteen shillings for each storey by which the block exceeds six storeys.

(2) In respect of each approved dwelling which does not satisfy any of the conditions specified in the next following subsection the Minister shall pay for each of the sixty years following the completion of the dwelling an annual exchequer subsidy of—

- (a) in the case of a dwelling other than a flat in a block of flats of four or more storeys, ten pounds ;

- (b) in the case of a flat in a block of flats of four storeys, twenty pounds ;
- (c) in the case of a flat in a block of flats of five storeys, twenty-six pounds ;
- (d) in the case of a flat in a block of flats of six or more storeys, thirty-eight pounds, increased by one pound fifteen shillings for each storey by which the block exceeds six storeys.

(3) The conditions referred to in the two foregoing subsections are that the dwelling was—

- (a) provided by a local authority for the purposes of slum clearance or re-development ; or
- (b) provided by a local authority for the purposes of re-housing persons coming from such camps or other unsatisfactory temporary housing accommodation as the Minister may designate for the purposes of this paragraph ; or
- (c) provided by a local authority in the course of a scheme of town development as defined by the Town Development Act, 1952, carried out with the approval of the Minister wholly or partly in the area of that authority ; or
- (d) provided by a local authority for the accommodation of persons coming from outside the area of that authority in order to meet the urgent needs of industry, where the dwelling has been so provided in accordance with arrangements approved by the Minister as being desirable by reason of special circumstances and so long as any conditions laid down by the Minister on the giving of his approval are complied with ; or
- (e) provided by the local authority of a congested or over-populated area in some other area as part of a scheme of comprehensive development the general character of which is, in the opinion of the Minister, similar to development for the purposes of a new town under the New Towns Act, 1946 ; or
- (f) provided by a development corporation otherwise than in pursuance of authorised arrangements.

(4) In the case of a dwelling provided in pursuance of authorised arrangements with a local authority, the Minister may direct that this section shall apply to that dwelling as if it were a dwelling mentioned in such, if any, of paragraphs (a), (b), (d) or (e) of the last foregoing subsection as the Minister, having regard to the intentions of the local authority with respect to the use of that dwelling when entering into the arrangements, may determine to be appropriate.

4.—(1) If the Minister thinks fit so to determine in the case of any dwelling provided by, or in pursuance of authorised arrangements with, the council of a county district by way of housing accommodation required for the agricultural population of that district (being a dwelling in respect of which a contribution is payable under paragraph (a) of subsection (2) of the last foregoing section), the amount of the annual exchequer subsidy payable in respect of that dwelling under this Act, as determined apart from the provisions of this subsection and the next following section, shall be increased by nine pounds.

Additional subsidies for agricultural dwellings etc.

(2) Where the annual exchequer subsidy in respect of any dwelling is increased under the foregoing subsection, section eight of the Act of 1946 (which requires the payment of contributions by a county council in respect of certain dwellings) shall have effect, as modified by the First Schedule to this Act, for the purpose of requiring contributions in respect of that dwelling by the council of the county in which it is situated.

(3) The following provisions, that is to say—

(a) section six of the Act of 1946 ; and

(b) subsection (1) of section thirty-nine of the Housing Act, 1949,

(which provide for increases in the annual exchequer contributions payable under the Act of 1946 by reason of certain special expenditure) shall have effect, as modified by the said First Schedule, for the purpose of increasing annual exchequer subsidies under this Act.

5.—(1) Where the Minister is of opinion, on an application made to him by a local authority—

(a) that there is urgent need for more housing accommodation which will only be met if that accommodation is provided by that authority ; and

(b) that unless the Minister exercises his powers under this section that housing accommodation could not be provided without imposing an unreasonably heavy rate burden or necessitating the charging of unreasonably high rents for that and other housing accommodation provided by the authority,

Power to increase subsidies in certain circumstances.

the Minister may direct that, in the case of any approved dwelling provided by that authority (not being a dwelling such as is mentioned in paragraph (c), (d) or (e) of subsection (3) of section three of this Act), the amount of the annual exchequer subsidy otherwise payable under this Act, if less than the amount hereinafter specified, shall be increased to such sum as may be specified in the direction not exceeding—

- (i) in the case of a dwelling other than a flat in a block of flats of four or more storeys, thirty pounds ; or
- (ii) in the case of such a flat, forty pounds.

(2) In exercising his powers under this section the Minister shall have regard to any conditions which may be laid down by the Treasury.

Subsidies for
expensive sites.

6. If any building consisting of or comprising an approved dwelling is provided on a site the cost of which as developed (ascertained in accordance with the provisions of the Second Schedule to this Act and expressed as a cost per acre) exceeds four thousand pounds, then in respect of that site or the portion thereof on which that building is erected the Minister shall pay for each of the sixty years following the completion of the building an annual exchequer subsidy at the rate of sixty pounds per acre, increased at the rate of thirty-four pounds per acre for every thousand pounds or part of a thousand pounds by which the said cost exceeds five thousand pounds ;

Provided that—

- (a) if none of the buildings provided or to be provided on the site is a block of flats of four or more storeys, any amount by which the said cost exceeds ten thousand pounds shall be disregarded ;
- (b) if any building or part of a building erected or to be erected on the site is designed for use otherwise than as housing accommodation, then, for the purpose of calculating any exchequer subsidy under this section in respect of that site or any portion thereof, the said cost shall be deemed to be reduced by so much thereof as, in the opinion of the Minister, may fairly be apportioned to that building or part of a building.

Subsidies for
privately pro-
vided agricul-
tural dwellings.

7. Section three of the Act of 1938, as amended by section thirteen of the Act of 1946 (which provides for the making of annual contributions for privately provided agricultural dwellings) shall, in relation to a new dwelling completed in pursuance of arrangements made under that section after the commencement of this Act, have effect as if in subsection (1) thereof for the words " not exceeding fifteen pounds " there were substituted the words " not exceeding ten pounds ".

Provisions relating to other contributions

Termination
of duty
to make
rate fund
contributions.

8.—(1) With effect from the first day of April, nineteen hundred and fifty-six, a local authority shall be relieved of the obligation to make contributions out of the general rate fund—

- (a) by way of the contributions mentioned in paragraphs 1 to 7 of the Eighth Schedule to the principal Act ;
- (b) under section six of the Act of 1938 ;

(c) under section five of the Act of 1946 ;
(d) under section eighteen of the Housing Act, 1949 ;
(e) under section eight of the Housing Repairs and Rents Act, 1954 ; and
(f) under subsection (1) of section twelve of the Requisitioned Houses and Housing (Amendment) Act, 1955, but may in any financial year carry to the credit of the housing revenue account, in addition to the amounts required by section one hundred and twenty-nine of the principal Act, such further amounts, if any, as they may think fit.

(2) Where arrangements are in force immediately before the said first day of April between a local authority and some other local authority, a development corporation or a housing association providing for annual payments in respect of a dwelling by the authority to the other party to the arrangements of an amount determined by reference to the amount of any contributions mentioned in the foregoing subsection or any corresponding contributions provided for by the enactments for the time being in force with respect to the provision of housing accommodation, then, without prejudice to any variation of those arrangements by the parties thereto—

- (a) in the case of a dwelling in respect of which payments under the arrangements are on the said first day of April already being made, the arrangements shall be deemed to provide for payments thereunder of the amount being paid before that day ;
- (b) in the case of any other dwelling in respect of which such payments become payable, the amount of those payments shall be an amount equal to one-third of the annual exchequer subsidy payable in respect of the dwelling under this Act, or eight pounds, whichever is the less.

(3) For the purposes of the application of this Act to London—

- (a) the reference in subsection (1) of this section to the general rate fund shall be construed, in relation to the London County Council, as a reference to the county fund ;
- (b) subsection (2) of this section shall not apply to any arrangements made between the London County Council and the council of a metropolitan borough or the Common Council of the City of London under subsection (1) of section one hundred and eighty-one of the principal Act ; and
- (c) so much of any contribution paid by the London County Council into the housing revenue account under paragraph 8 of the Eighth Schedule to the principal Act

as may fairly be regarded as attributable to the cessation under subsection (1) of this section of any contributions mentioned in paragraphs 1 to 3 of that Schedule shall be defrayed as expenses incurred by that council for special county purposes.

Power of Minister to recover certain contributions.

9.—(1) The provisions of this section shall apply where the Minister is satisfied that a dwelling provided in the area of any local authority—

(a) by a development corporation ; or

(b) by the local authority of that area in the course of town development as defined by the Town Development Act, 1952,

has been so provided for the purpose of relieving congestion or over-population in the areas of other local authorities (in this section referred to as “exporting areas”) and that, on or after the first day of April, nineteen hundred and fifty-six, the dwelling was first used after its completion to accommodate a person who, in the opinion of the Minister, came there from an exporting area recognised as such by the Minister for the purposes of this section.

(2) If in respect of any such dwelling the Minister—

(a) in the exercise of his powers under subsection (2) of section twelve of the New Towns Act, 1946, makes a grant to the development corporation by way of annual payments ; or

(b) in the exercise of his powers under paragraph (a) of subsection (2) of section two of the said Act of 1952, makes annual contributions to the local authority of the area in which the dwelling is situated,

then, in each of the ten years following the completion of the dwelling, the Minister shall be entitled to recover from such local authority as he may determine to be the local authority of the exporting area from which the person aforesaid came, or, where the Minister is satisfied that that person was the tenant of a dwelling in that area belonging to another local authority, from that other local authority—

(i) a sum equal to one half of any such payment or contribution made in respect of that dwelling in that year : or

(ii) the sum of four pounds,

whichever is the less.

General provisions

10.—(1) There shall be paid out of moneys provided by **Expenses** Parliament—

- (a) all sums payable by the Minister under this Act ; and
- (b) any increase attributable to the provisions of this Act in the sums payable under any other enactment out of moneys so provided.

(2) Any sums received by the Minister under this Act shall be paid into the Exchequer.

11.—(1) For the purposes of paragraph (a) of subsection (3) of **Interpretation.** section three of this Act, a dwelling shall be deemed to be provided by a local authority for the purposes of slum clearance or re-development if, and only if, provision of the dwelling by the authority is rendered necessary—

(a) by displacements of persons occurring—

(i) in connection with any action taken by the authority under the principal Act for the demolition of insanitary houses or for dealing with clearance areas, or under the principal Act, under section three of the Housing Act, 1949, or under section ten of the Local Government (Miscellaneous Provisions) Act, 1953, for closing the whole or part of any building ;
or

(ii) in connection with the implementation of an undertaking for the demolition of an insanitary house given by the owner thereof in lieu of the taking by the authority of such action as aforesaid ;
or

(iii) in connection with the demolition of an insanitary house belonging to the authority ; or

(b) by displacements occurring in the carrying out of re-development in accordance with a re-development plan within the meaning of the principal Act from houses which are unfit for human habitation and not capable at a reasonable expense of being rendered so fit, or which are so arranged as to be congested, or, where the re-development plan was submitted to the Minister before the third day of November, nineteen hundred and fifty-five, from any house in the re-development area.

(2) In this Act, unless the context otherwise requires, the following expressions have the following meanings respectively, that is to say—

“ the Act of 1938 ” means the Housing (Financial Provisions) Act, 1938 ;

- “ the Act of 1946 ” means the Housing (Financial and Miscellaneous Provisions) Act, 1946 ;
- “ agricultural population ” has the meaning assigned by subsection (2) of section one hundred and fifteen of the principal Act ;
- “ approved dwelling ” means a dwelling approved by the Minister under subsection (1) of section one of this Act ;
- “ authorised arrangements ” means arrangements between a local authority and a housing association or development corporation under section ninety-four of the principal Act for the purpose of enabling the association or corporation to provide housing accommodation ;
- “ block of flats ” of a given number of storeys means a building containing flats which consists of that number of storeys exclusive of any storey constructed for use for purposes other than those of a dwelling ; and for the purposes of this definition a building which consists of a different number of storeys in different parts thereof shall be treated as if each of those parts were a separate building, any question as to the division of any building into such parts, or as to the number of storeys of which any such part consists, or as to the number of flats contained in any such part, being determined by the Minister ;
- “ development corporation ” means a development corporation established under the New Towns Act, 1946 ;
- “ dwelling ” means a building or part of a building occupied or intended to be occupied as a separate dwelling, together with any yard, garden, outhouses and appurtenances belonging to or usually enjoyed with that building or part ; so, however, that a building or part which, in the opinion of the Minister, is designed for permanent use as a single dwelling shall be treated as a single dwelling for the purposes of this Act notwithstanding that it is temporarily divided into two or more parts which are occupied or intended to be occupied as separate dwellings ;
- “ flat ” means a separate and self-contained set of premises, whether or not on the same floor, constructed for use for the purposes of a dwelling and forming part of a building from some other part of which it is divided horizontally ;
- “ housing association ” has the same meaning as in the principal Act ;

“local authority” means any authority who are a local authority for the purposes of any provision of the Housing Acts, 1936 to 1952 ;

“the Minister” means the Minister of Housing and Local Government ;

“the principal Act” means the Housing Act, 1936.

(3) Save where the context otherwise requires, references in this Act to any enactment shall be construed as references to that enactment as amended by or under any other enactment, including any enactment contained in this Act.

12.—(1) This Act may be cited as the Housing Subsidies Act, 1956. Citation, adaptations, repeals and extent.

(2) This Act and the Housing Acts, 1936 to 1952, may be cited together as the Housing Acts, 1936 to 1956.

(3) The enactments specified in the First Schedule to this Act shall have effect subject to the modifications and adaptations respectively specified in that Schedule, being modifications and adaptations consequential on the other provisions of this Act.

(4) The enactments mentioned in Parts I and II of the Third Schedule to this Act are hereby repealed to the extent specified in the third column of those Parts respectively—

(a) in the case of the enactments mentioned in the said Part I, with effect from the first day of April, nineteen hundred and fifty-six ; and

(b) in the case of the enactments mentioned in the said Part II, with effect from the commencement of this Act ;

and the provisions of the Housing (Review of Contributions) Order, 1954, specified in Part III of the said Third Schedule are hereby revoked with effect from the said first day of April :

Provided that the repeal by this subsection of section seven of the Act of 1946 shall not affect any increase granted under that section before the said first day of April in the amount of any contribution payable by the Minister.

(5) For the purposes of section twenty-two of the Act of 1946 (which confers power to make orders with respect to the provision of housing accommodation by the council of the Isles of Scilly and with respect to the payment of exchequer subsidies in respect of dwellings provided by that council), an order under that section revoking or varying a previous order thereunder may be made by the Minister notwithstanding that the said council has not applied for such an order to be made.

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

SCHEDULES

Sections 4, 12.

FIRST SCHEDULE

MODIFICATIONS AND ADAPTATIONS IN OTHER ACTS

The Housing Act, 1936

(26 Geo. 5. and 1 Edw. 8. c. 51)

1. The expression "the Housing Acts" shall, unless the context otherwise requires, be construed as including this Act.

2. The expression "Exchequer contribution" shall include any sum payable by the Minister to a local authority under this Act other than a sum so payable by reason of paragraph (b) of subsection (2) of section one thereof.

3. The following provisions, that is to say—

(a) subsection (2) of section eighty-nine (which relates to agreements by county councils for assisting rural district councils in providing housing accommodation);

(b) subsection (3) of section one hundred and sixty-nine (which relates to the transfer of the powers of rural district councils to county councils); and

(c) subsection (2) of section one hundred and seventy-two (which relates to the transfer to county councils of the powers of the councils of county districts other than rural districts),

shall have effect as if the references therein to section one hundred and five of the principal Act included references to any of the provisions of this Act providing for the making of payments by the Minister to local authorities; and subsection (3) of the said section eighty-nine shall have effect as if the reference to contributions under the said section one hundred and five included references to exchequer subsidies by virtue of paragraph (a) of subsection (3) of section three of this Act.

4. The proviso to subsection (3) and subsection (4) of section ninety-four (which relate to the reduction, suspension or discontinuance of contributions under the said subsection (3) in respect of a dwelling provided by a housing association or development corporation in pursuance of authorised arrangements) shall have effect as if any reference therein to a contribution payable under the said subsection (3) included a reference to any exchequer subsidy payable under this Act in respect of such a dwelling.

The Housing (Financial and Miscellaneous Provisions) Act, 1946

(9 & 10 Geo. 6. c. 48)

5. Section six (which provides for an increase of such amount not exceeding two pounds as the Minister may determine in the amount of any annual exchequer contribution payable in respect of a dwelling under the Act of 1946 in certain cases where the cost of providing the dwelling is substantially enhanced by expenses attributable to the

acquisition of rights of support, or otherwise attributable to measures taken by the authority for securing protection against the consequences of a subsidence of the site) shall have effect—

1ST SCH.
—cont

- (a) as if in paragraph (a) of that section the references to the standard amount of the annual exchequer contribution and to that standard amount as ascertained in accordance with the provisions of the Act of 1946 included references respectively to the amount of the annual exchequer subsidy payable under this Act and to that amount as determined apart from the provisions of paragraph (a) of subsection (3) of section four and section five of this Act; and
- (b) in relation to a house provided by a housing association or development corporation in pursuance of authorised arrangements, as if any reference in the said section six to a local authority were a reference to the housing association or development corporation.

6. Section eight (which provides for the payment to the council of a county district in respect of certain dwellings provided by them for the agricultural population of their district of annual contributions of two pounds ten shillings by the council of the county in which that district is situated) shall have effect as if in subsection (1) thereof the reference to annual exchequer contributions of the special standard amount, or of that amount as increased in accordance with the provisions of the Act of 1946, included a reference to annual exchequer subsidies under this Act which are increased under subsection (1) of section four of this Act:

Provided that an order by the Minister under section two of this Act may direct that any contribution by a county council by virtue of this paragraph shall be reduced to such amount as may be specified in the order.

7. Section fourteen (which relates to the effect on certain contributions of a dwelling ceasing to be available as such) shall have effect as if paragraph (b) of subsection (2) of section one of this Act were one of the provisions specified in the Second Schedule to the Act of 1946.

8. Subsection (1) of section fifteen (which relates to the vesting in a local authority of a house provided by a housing association under authorised arrangements) shall have effect as if any reference to subsection (3) of section ninety-four of the principal Act included a reference to this Act.

9. Subsections (1) and (3) of section nineteen (which relate to the duty of local authorities to reserve dwellings for the agricultural population and to the circumstances in which county council contributions under section eight of the Act of 1946 shall not be payable) shall have effect as if the expression "annual exchequer contributions to which this section applies" in the said subsection (1) included annual exchequer subsidies under this Act which are increased under subsection (1) of section four of this Act.

1st SCH.
—cont.

The New Towns Act, 1946

(9 & 10 Geo. 6. c. 68)

10. Subsection (3) of section eight (which relates to the transfer to a local authority of a house provided by a development corporation) shall have effect as if the reference therein to an annual exchequer contribution under section ninety-four of the principal Act or under subsection (2) of the said section eight included a reference to any annual exchequer subsidy payable under this Act.

The Housing Act, 1949

(12, 13 & 14 Geo. 6. c. 60)

11. In section thirty-two (which provides that an order under section sixteen of the Act of 1946 may provide for the reduction of the amount of certain exchequer contributions under the Housing Act, 1949) for the reference to the said section sixteen there shall be substituted a reference to section two of this Act.

12. Subsection (1) of section thirty-nine (which provides for an increase of such sum not exceeding five pounds as the Minister may determine in the amount of any annual exchequer contribution payable in respect of a dwelling under the Act of 1946 in certain cases where the cost of providing the dwelling is substantially enhanced by expenses attributable to measures taken to preserve the character of the surroundings) shall have effect—

- (a) as if references in the said subsection (1) to an annual exchequer contribution under the Act of 1946, to the standard amount of that contribution, and to that standard amount as ascertained in accordance with the Act of 1946 and Part III of the Housing Act, 1949, included references respectively to an annual exchequer subsidy under this Act, to the amount of that annual exchequer subsidy, and to that amount as determined apart from the provisions of paragraph (b) of subsection (3) of section four and section five of this Act; and
- (b) in relation to a house provided by a housing association or development corporation in pursuance of authorised arrangements, as if any reference in the said subsection (1) to a local authority were a reference to the housing association or development corporation.

The Town Development Act, 1952

(15 & 16 Geo. 6. and 1 Eliz. 2. c. 54)

13. The expression “ house ”, in a context importing a reference to any annual exchequer subsidy in respect thereof under this Act, shall be construed as having the meaning assigned by subsection (2) of section eleven of this Act to the expression “ dwelling ”.

14. For paragraph (a) of subsection (2) of section two (which empowers the Minister to undertake to make contributions towards annual rate fund contributions under the Act of 1946 in respect of dwellings provided in the course of town development) there shall,

for the purposes of any undertaking given on or after the first day of April, nineteen hundred and fifty-six, be substituted the following paragraph, that is to say—

1st Sch.
—cont

“(a) expenses of providing houses in the course of the development for persons coming from the area of some other local authority, so, however, that the Minister’s contribution for any one year in respect of any one such house shall not exceed eight pounds;”.

15. In paragraph (c) of subsection (2) of section three, in paragraph (f) of subsection (1) of section eight, and in subsection (1) of section fourteen (which relate respectively to the withholding or postponement of, the assignment of the right to receive, and the transfer or re-transfer of land comprising dwellings in respect of which there are payable, annual exchequer contributions within the meaning of the Act of 1946) references to the said annual exchequer contributions shall be construed as including references to annual exchequer subsidies under this Act.

SECOND SCHEDULE

Section 6.

PROVISIONS FOR ASCERTAINING THE VALUE OF CERTAIN SITES

1. For the purposes of section six of this Act, the cost of a site as developed shall be taken to be—

- (a) in the case of a site purchased by a local authority under any enactment relating to housing, the expenditure incurred by the local authority in purchasing the site; and
- (b) in any other case the value of the site as certified by the Minister,

plus, in either case, a sum representing—

- (i) any such expenses as in the opinion of the Minister have been or will be properly incurred for making the site suitable for the purpose of providing the buildings erected or to be erected thereon, being expenses incurred or to be incurred by the local authority, development corporation or housing association providing those buildings for the construction or widening of streets, the construction of sewers, or the execution of any special works rendered necessary by the physical characteristics of the land; and
- (ii) any such expenses which have been, or in the opinion of the Minister will be, incurred in respect of other matters as the Minister, with the consent of the Treasury, may determine to be expenses properly forming part of the cost of making the site suitable for the said purpose.

2. In determining for the purposes of the foregoing paragraph the amount of any such expenses as are therein mentioned, the Minister shall have regard to any estimate of those expenses submitted to him by the local authority, development corporation or housing association, as the case may be; and for the purposes of sub-paragraph (b) of that paragraph, the value certified in the case of a site in relation to which any such expenses have been incurred shall be the value of that site in the condition in which it would be if those expenses had not been incurred.

- 2ND SCH. —cont.
3. For the purposes of the said section six and of this Schedule, any question—
- (a) as to what constitutes a separate site; or
 - (b) as to the portion of such a site on which any building has been erected; or
 - (c) as to how much of any expenditure incurred by a local authority in purchasing land is to be attributed to any site forming part only of that land,
- shall be determined by the Minister.
4. For the purposes of any determination under sub-paragraph (a) or (b) of the last foregoing paragraph—
- (a) where two buildings are contiguous to each other, or are separated from each other by a street only, the two buildings shall, if the Minister thinks proper, be deemed to be on the same site; and
 - (b) where any land has been purchased in connection with the provision of a building and has been or is to be used for the purpose of a new street to which the building is or will be contiguous, that land shall be deemed to form part of the site of the building.
5. For the purposes of the last foregoing paragraph—
- (a) the expression “ building ” includes any land appertaining to a building and any land appropriated for the purposes of a building which has not been erected; and
 - (b) the expression “ street ” includes any court, alley, passage or square, whether a thoroughfare or not, and includes a public highway.

Section 12.

THIRD SCHEDULE

REPEALS AND REVOCATIONS

PART I

Repeals consequential on s. 8 of this Act

Session and Chapter	Short Title	Extent of Repeal
26 Geo. 5. and 1 Edw. 8. c. 51.	The Housing Act, 1936 ...	In section eighty-six the words from “ or of ” to “ payable by the authority ”; section one hundred and fourteen; paragraphs 1 to 7 and 9 of the Eighth Schedule; and paragraphs 2 and 3 of the Tenth Schedule.
1 & 2 Geo. 6. c. 16.	The Housing (Financial Provisions) Act, 1938.	Section six.
2 & 3 Geo. 6. c. 31.	The Civil Defence Act, 1939.	Subsection (1) of section thirty-four from “ and ” onwards.

3RD SCH.
—cont.

Session and Chapter	Short Title	Extent of Repeal
9 & 10 Geo. 6. c. 48.	The Housing (Financial and Miscellaneous Provisions) Act, 1946.	Section five; section six from "and" onwards; section seven; in subsection (2) of section ten the words "the like annual rate fund contributions"; in subsection (2) of section twenty-two, the words "and by the said council"; in each of Parts II and III of the First Schedule, the third column of the Table; and paragraph 5 of the Third Schedule.
11 & 12 Geo. 6. c. 26.	The Local Government Act, 1948.	Subsection (3) of section one hundred and twenty-six from "and any" onwards.
12, 13 & 14 Geo. 6. c. 60.	The Housing Act, 1949 ...	Paragraph (a) of subsection (2) of section fourteen; section eighteen; in subsection (1) of section thirty-seven the words "and the normal amount of the annual rate fund contribution for the flat for those purposes", the word "amounts" where first occurring, the words "and five" and the word "respectively"; in subsection (1) of section thirty-eight the words from "and (b)" to the end of paragraph (b); subsection (1) of section thirty-nine from "and (b)" onwards; and paragraphs 3 and 14 of the Second Schedule.
15 & 16 Geo. 6. and 1 Eliz. 2. c. 53.	The Housing Act, 1952 ...	In subsection (1) of section one, paragraph (c) and paragraph (d) from the beginning to the word "and"; and in the Schedule the third column of each of the Tables.
15 & 16 Geo. 6. and 1 Eliz. 2. c. 54.	The Town Development Act, 1952.	Subsection (2) of section fourteen from "and shall" onwards.
2 & 3 Eliz. 2. c. 53.	The Housing Repairs and Rents Act, 1954.	Section eight.
3 & 4 Eliz. 2. c. 24.	The Requisitioned Houses and Housing (Amendment) Act, 1955.	Subsections (1), (2) and (4) of section twelve.

3RD SCH.
—cont.

PART II
Other repeals

Session and Chapter	Short Title	Extent of Repeal
9 & 10 Geo. 6. c. 48.	The Housing (Financial and Miscellaneous Provisions) Act, 1946.	In subsection (4) of section twenty-two, the words "on the application of the said council".
11 & 12 Geo. 6. c. 29.	The National Assistance Act, 1948.	Subsection (7) of section twenty-eight.

PART III

Revocations in the Housing (Review of Contributions) Order, 1954 (S.I. 1954 No. 1407) consequential on s. 8 of this Act

1. In paragraph (1) of article 3, the words "and the normal amounts of the annual rate fund contribution".
2. Sub-paragraph (c) of paragraph (2) of the said article 3.
3. In sub-paragraph (d) of the said paragraph (2), the words "and under section 5 of the said Act the normal amount of the annual rate fund contribution" and the third column of each of the Tables set out thereunder.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Housing Act, 1936	26 Geo. 5. & 1 Edw. 8. c. 51.
Housing (Financial Provisions) Act, 1938 ...	1 & 2 Geo. 6. c. 16.
Housing (Financial and Miscellaneous Provisions) Act, 1946	9 & 10 Geo. 6. c. 48.
New Towns Act, 1946	9 & 10 Geo. 6. c. 68.
Housing Act, 1949	12, 13 & 14 Geo. 6. c. 60.
Town Development Act, 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 54.
Local Government (Miscellaneous Provisions) Act, 1953	1 & 2 Eliz. 2. c. 26.
Housing Repairs and Rents Act, 1954	2 & 3 Eliz. 2. c. 53.
Requisitioned Houses and Housing (Amendment) Act, 1955	3 & 4 Eliz. 2. c. 24.

CHAPTER 34*Criminal Justice Administration Act, 1956***ARRANGEMENT OF SECTIONS****PART I****NEW ARRANGEMENTS AS TO ADMINISTRATION OF JUSTICE
IN LANCASHIRE****Section**

1. Establishment of new courts at Liverpool and Manchester for criminal trials.
2. Effect of establishment of Crown Courts.
3. Additional jurisdiction of Crown Courts as courts of quarter sessions for Liverpool and Manchester.
4. Status, salary and pension of recorders of Liverpool and Manchester.
5. Officers of Crown Courts.
6. Divisions of Lancashire for assizes.
7. Transfer to Lancashire of the part of Stockport now in Cheshire.
8. Provision of assize courts, etc.
9. Sharing of costs of assize courts and jury service among local authorities.
10. Expenses other than expenses of provision of assize courts, etc.
11. Supplementary.

PART II**MISCELLANEOUS AMENDMENTS**

12. Extension of Administration of Justice (Miscellaneous Provisions) Act, 1938, s. 2.
13. Retirement or removal of recorder and others.
14. Remuneration of temporary recorders.
15. Additional courts of quarter sessions in boroughs.
16. Transfer to the Lord Chancellor or the Chancellor of the Duchy of Lancaster of certain functions of the Secretary of State.
17. Exemption of boroughs with separate commissions of the peace from county contributions for magistrates' courts, etc.
18. Constitution for purposes of appeals of court of quarter sessions for London.
19. Transfer of power to make rules of court under Criminal Appeal Act, 1907, and rules under Indictments Act, 1915.
20. Transcript of shorthand notes of trial on indictment.

PART III**SUPPLEMENTARY**

21. Short title, extent and repeal.

SCHEDULES:

First Schedule—Transitional provisions in connection with Part I.

Second Schedule—Appointment etc. of deputy of stipendiary magistrate.

Third Schedule—Repeals.

An Act to make new arrangements as to the administration of criminal justice in Lancashire and matters connected therewith, and to amend the law of England and Wales as to recorders and courts of quarter sessions in boroughs, as to the retirement or removal of chairmen and deputy chairmen of quarter sessions and of stipendiary magistrates in London, as to the liability of boroughs to contribute to the costs of magistrates' courts and courts of quarter sessions for the county and as to the constitution for purposes of appeals of the court of quarter sessions for the county of London, to make further provision about shorthand notes taken on trials on indictment, and to transfer to the Lord Chancellor or the Chancellor of the Duchy of Lancaster certain functions of the Secretary of State and to the Rule Committee of the Supreme Court the power to make rules of court under the Criminal Appeal Act, 1907, and rules under the Indictments Act, 1915.

[28th March, 1956]

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

NEW ARRANGEMENTS AS TO ADMINISTRATION OF JUSTICE IN LANCASHIRE

Establishment
of new courts
at Liverpool
and
Manchester
for criminal
trials.

1.—(1) There may be set up in accordance with this section two new courts for the purpose of exercising such jurisdiction as is commonly conferred on courts of assize by the commissions of oyer and terminer and of gaol delivery, namely—

- (a) a court to act in and for the West Derby division of Lancashire and to be known as "the Crown Court at Liverpool"; and
- (b) a court to act in and for the Salford division of Lancashire, and to be known as "the Crown Court at Manchester".

(2) Each of the courts shall be set up by Her Majesty's commissions of oyer and terminer and gaol delivery for the court's division, addressed to the judges for the time being of the High Court and to the recorders for the time being of Liverpool and Manchester, and assigning to them the duty to exercise jurisdiction under the commissions as judges of the court.

(3) In addition to those judges and recorders, the commissions may name as judges of the court any persons who may be named as commissioners in commissions of assize.

(4) The court so set up shall be a superior court of record, and shall have a seal; and, subject to the provisions of this Act, references in any enactment to a court of assize and to assizes (including references in this Act and in enactments passed after this Act) shall respectively include the court and its sessions, except in so far as the context otherwise requires.

(5) Unless otherwise directed by the Lord Chancellor, sessions of the court shall be held at least eleven times in every year, at times to be fixed by the court or a judge thereof.

(6) The court may sit in more than one division simultaneously, and the jurisdiction of the court may be exercised by any one or more of the judges of the court.

(7) Any judge of the court when acting as such shall have the same powers as a judge of the High Court has when so acting (including the power to direct or consent to the preferment of a bill of indictment before the court); and sections eight and fourteen of the Criminal Justice Act, 1948 (which relate to the powers exercisable in relation to a person convicted after a probation order or order of conditional discharge has been made in his case, and in relation to fines and forfeited recognizances), shall apply to the court as they apply to the Central Criminal Court and not as they apply to other courts of assize.

(8) Without prejudice to any powers exercisable apart from this subsection, a judge of the court may, in any case where he thinks fit, make such order postponing a trial before the court as appears necessary in order to enable the trial to take place before a judge of the High Court, and any such order may include such provision as the judge making it thinks fit as to admitting the accused person to bail, as to the enlargement of recognizances, and otherwise.

(9) A judge of the court shall, when engaged in the exercise of the court's jurisdiction under this section, be deemed to constitute a court of the High Court.

(10) Commissions under this section shall be issued in the same manner as commissions of assize, and may be revoked by Order in Council, and, if not so revoked, shall continue in force until superseded by new commissions under this section.

2.—(1) The following provisions of this section shall have effect so long as commissions under the foregoing section are in force. Effect of establishment of Crown Courts.

PART I
—cont.

(2) There shall be no general commission of assize for the dispatch of criminal business for the West Derby division or for the Salford division, or for any area wholly or partly comprised in either of those divisions; but (subject to any Order in Council under this Act or under section seventy-two of the Supreme Court of Judicature (Consolidation) Act, 1925) there shall be general commissions of assize for the Northern division of Lancashire for the dispatch of criminal business at Lancaster instead of commissions for the whole county.

(3) The courts of quarter sessions for Liverpool and Manchester shall not sit; but for the purposes of the enactments relating to the committal of persons for trial at assizes or quarter sessions and to matters connected therewith the Crown Court at Liverpool shall be regarded not only as a court of assize for the West Derby division but also as a court of quarter sessions for Liverpool, and the Crown Court at Manchester not only as a court of assize for the Salford division but also as a court of quarter sessions for Manchester.

Liverpool and Manchester shall continue to be treated as boroughs having a separate court of quarter sessions, notwithstanding that the sittings of the court are suspended under this subsection.

(4) (a) Jurors to serve at the Crown Court at Liverpool or at Manchester or at any other court of assize in Lancashire (not being a court held by virtue of any special commission of assize) shall be summoned by the sheriff or other officer charged with the return of jurors in pursuance of precepts issued by the clerk of assize; and, where it appears that civil and criminal assizes will be in progress at any place at the same time (whether or not they are to begin together), a single precept may be issued for those assizes, directing that jurors be summoned for the trial of all issues, whether civil or criminal, which may come on for trial at those assizes.

(b) The sheriff or other officer summoning jurors to serve as aforesaid shall have regard to the convenience of the persons summoned, as to their respective places of residence, and in the case of jurors to serve at either of the Crown Courts shall have regard also to the fact that the court deals with cases which, but for this Act, would be dealt with by the court of quarter sessions for Liverpool or Manchester, as the case may be.

(c) For the purposes of the Juries Act, 1949, the Crown Court and any other court of assize at Liverpool or Manchester shall be treated as a court of assize held for the city; and, where by virtue of paragraph (a) of this subsection a single precept is issued for civil and criminal assizes at the same place in Lancashire, section five of the Juries Act, 1949 (which provides for

the reimbursement to local authorities of payments attributable to civil business at assizes), shall apply as if the business of those assizes were the business of a single court of assize.

PART I
—cont.

(5) Where it appears to Her Majesty that, by reason of the small number of prisoners or otherwise, it is usually inexpedient to hold separate winter or spring assizes in a county or division adjoining the division for which the Crown Court at Liverpool or the Crown Court at Manchester acts, Her Majesty may by Order in Council direct that those assizes shall not be held in that county or division, but that at such sessions of that court as may be specified in the Order the jurisdiction of that court under section one of this Act shall extend to that county or division as if it formed part of the division for which the court acts; and the Order in Council may include any such supplementary provisions as may be included in an Order in Council under section seventy-two of the Supreme Court of Judicature (Consolidation) Act, 1925, uniting one county to another for the purpose of winter or spring assizes.

Subsections (3) to (5) of the said section seventy-two (which relate to revocation, publication and other incidental matters) shall apply to an Order in Council under this subsection as they apply to an Order in Council under that section.

(6) The West Derby division, the Salford division and the Northern division shall, in relation to offences tried in the Crown Court at Liverpool or Manchester or any court of assize in the Northern division, be deemed to be separate counties for the purposes of sections twelve and thirteen of the Criminal Law Act, 1826 (which relate to offences committed on boundaries of counties or during a journey); and, subject to the next following subsection, each of those courts and any judge thereof shall have, in relation to the division for which the court acts, the same jurisdiction and powers as if the court were a court for the whole of a county.

(7) For the purposes of section three of the Assizes Relief Act, 1889 (which enables proceedings to be taken in a court of assize for the discharge or trial of a person committed to gaol for trial at any quarter sessions, but not tried at those sessions), the jurisdiction of a court of assize for the Northern division shall extend to the whole of Lancashire, and references in that section to a court of oyer and terminer or gaol delivery shall not include the Crown Court at Liverpool or Manchester.

(8) In the case of Liverpool and Manchester section two hundred and nine of the Lunacy Act, 1890 (which requires special sessions in a borough to be held for the purposes of Part VIII of that Act at the same time as the quarter sessions), shall not apply, but special sessions for the purposes of that Part of that Act shall be held once in every quarter of a year.

PART I
—cont.
 Additional jurisdiction of Crown Courts as courts of quarter sessions for Liverpool and Manchester.

3.—(1) In addition to its jurisdiction and powers under section one of this Act, the Crown Court at Liverpool shall exercise any other jurisdiction or powers which, but for the last foregoing section, would be exercisable by the court of quarter sessions for Liverpool, and the Crown Court at Manchester any other jurisdiction or powers which, but for that section, would be exercisable by the court of quarter sessions for Manchester.

(2) In the exercise of any jurisdiction or powers conferred by this section, the court shall be subject to the control of the High Court to the same extent, and shall have the same powers and duties in relation to the stating of cases for the consideration of the High Court, and the proceedings on a case stated by the court shall be the same, as if the court were a court of quarter sessions.

(3) Any judgment or order of the court in the exercise of its jurisdiction or powers under this section shall be of the same effect and subject to the same appeal (if any), and shall be enforceable in the same way, as if it were a judgment or order of the court of quarter sessions for Liverpool or for Manchester, as the case may be.

(4) Any person qualified and liable to serve as a juror for the purposes of the court's jurisdiction under section one of this Act shall be qualified and liable to serve on any jury required for the purposes of the court's jurisdiction under this section; and any such jury shall be drawn from the persons summoned for the purposes of the said section one, and service thereon shall be treated for the purposes of the Juries Act, 1949 (which relates to payments in respect of jury service), in the same way as service for the purposes of the said section one.

(5) Subject to the provisions of this Act, in any enactment relating to any jurisdiction or powers exercisable by the court under this section or to matters connected therewith (including this Act and any enactment passed after this Act)—

- (a) references to a court of quarter sessions shall apply to the court as they apply to the court of quarter sessions for Liverpool or Manchester, as the case may be; and
- (b) references to the recorder shall include any judge of the court; and
- (c) references to quarter sessions shall include any session of the court;

except in so far as the context otherwise requires.

(6) Nothing in the last foregoing subsection, shall be taken as authorising anyone other than a judge of the court to act as such or to exercise any jurisdiction or powers of the court under

this section, or as applying in relation to the court any enactment regulating the composition or holding of courts of quarter sessions or the appointment of officers of courts of quarter sessions; and section eight of the Criminal Justice Act, 1948 (which relates to the powers exercisable in relation to a person convicted after a probation order or order of conditional discharge has been made in his case), shall apply in the same way in relation to orders made by the court in the exercise of its jurisdiction under this section as in relation to orders made by it in the exercise of its jurisdiction under section one of this Act.

PART I
—cont.

4.—(1) While the recorder of Liverpool or of Manchester is a judge of the Crown Court at Liverpool and the Crown Court at Manchester, his office shall be a whole-time pensionable office.

Status, salary
and pension of
recorders of
Liverpool and
Manchester.

(2) The recorder, during his service as judge of those courts, shall by virtue of his office be a justice of the peace for Lancashire, but before acting as such he shall take the oaths required by law to be taken by a justice of the peace for the county, unless he is already a justice of the peace for the county apart from this subsection and has taken the oaths required by law to be taken to enable him to act as such.

(3) The recorder, during his service as judge of those courts, shall not—

- (a) be capable of being elected or of sitting as a member of the House of Commons; or
- (b) practise as a barrister, or act for any remuneration to himself as arbitrator or referee.

(4) The recorder's salary, during his service as judge of those courts, shall be at the rate of four thousand pounds a year and shall be charged on and paid out of the Consolidated Fund.

(5) If either—

- (a) the recorder's office is vacated in pursuance of subsection (1) of section thirteen of this Act after he has served five years as judge of those courts; or
- (b) the recorder retires after five years' service as judge of those courts, and the Lord Chancellor is satisfied by means of a medical certificate that, by reason of infirmity of mind or body, the recorder is incapable of discharging the duties of his office, and that the incapacity is likely to be permanent; or
- (c) the recorder retires after fifteen years' service as judge of those courts, and at the time of retirement has attained the age of sixty-five years;

the Lord Chancellor may recommend to the Treasury that there shall be paid to the recorder a pension at the rate of one

PART I
—cont.

thousand pounds a year, with an addition of one hundred pounds a year for each completed year of that service in excess of five, but so that the rate of pension shall not exceed two thousand pounds a year.

(6) Sections two to eight of the Administration of Justice (Pensions) Act, 1950 (which relate in the main to widows' and children's pensions), shall have effect as if the capacities listed in the First Schedule to that Act included those of the recorders of Liverpool and Manchester, and as if in relation to a pension for service as recorder of either city references in those sections to relevant service referred to service as judge of the Crown Courts at Liverpool and Manchester.

(7) Before recommending any person for appointment to the office of recorder of Liverpool or Manchester, the Lord Chancellor shall take steps to satisfy himself that the health of that person is satisfactory.

(8) Any pension or other benefit payable by virtue of subsection (5) or (6) of this section shall be charged on and paid out of the Consolidated Fund.

(9) References in this section to service as judge of the Crown Courts at Liverpool and Manchester refer only to a person's service in that capacity while recorder of Liverpool or Manchester.

Officers of
Crown Courts.

5.—(1) The duties of the clerk of assize on the northern circuit shall include the performance, as clerk of the Crown Court at Liverpool and as clerk of the Crown Court at Manchester, of the like functions as he would perform as clerk of assize or clerk of the crown in relation to a court held for the same division as that court by virtue of a general commission of assize for the dispatch of criminal business, and references to the clerk of assize or clerk of the crown shall be construed accordingly.

(2) The duties of the clerk of assize on the northern circuit shall include the performance, as clerk of the said courts, of the functions of the clerk of the peace for Liverpool or of the clerk of the peace for Manchester, as the case may be; and accordingly while the commissions setting up the said courts are in force there shall not be a clerk of the peace for either of those cities and references to the clerk of the peace, in so far as they relate to his functions as such or matters connected therewith, shall have effect as references to the clerk of assize.

(3) If it appears to the Lord Chancellor expedient having regard to the foregoing subsections, he may appoint one or more persons to be assistant to the clerk of assize on the northern circuit, and section one of the Supreme Court of Judicature

(Circuit Officers) Act, 1946, and the Administration of Justice (Pensions) Act, 1950, shall apply in relation to such assistants (except as regards the person to make the appointment) in the same way as they apply in relation to clerks of assize.

PART I
—cont.

(4) The Lord Chancellor may direct which of the functions of the clerk of assize on the northern circuit are to be performed by any person appointed under the last foregoing subsection, but subject to any such direction a person so appointed shall perform (under the direction of the clerk of assize) such of the functions of the clerk of assize as the clerk of assize may from time to time determine.

(5) Anything done by, to or before a person so appointed shall be of the same effect as if done by, to or before the clerk of assize.

(6) Subject to the foregoing subsections, any clerical duties in connection with the work of the Crown Court at Liverpool or of the Crown Court at Manchester shall form part of the business of the central office of the Supreme Court, and accordingly shall be performed by the officers of the central office in such manner as the Lord Chancellor may, in the exercise of his powers under Part V of the Supreme Court of Judicature (Consolidation) Act, 1925, by order direct.

6.—(1) Subject to the provisions of this Act, references in this Act to the West Derby, Salford and Northern divisions of Lancashire refer to the divisions of those names into which the county is at the passing of this Act divided for the purposes of assizes by virtue of Orders in Council made under the Assizes Act, 1833, that is to say—

Divisions of
Lancashire
for assizes.

- (a) the West Derby division means a division consisting of the hundred of West Derby ;
- (b) the Salford division means a division consisting of the hundred of Salford ;
- (c) the Northern division means a division consisting of the hundreds of Lonsdale, Amounderness, Leyland and Blackburn.

(2) The said Orders in Council shall cease to have effect on the first coming into force of commissions under section one of this Act ; but (subject to any Order in Council under this Act or under section seventy-two of the Supreme Court of Judicature (Consolidation) Act, 1925) Lancashire shall continue to be divided into the said three divisions for the purpose of civil assizes, as well as for the purposes of this Part of this Act, and those assizes shall continue to be held at Liverpool, Manchester and Lancaster.

(3) The power conferred by the said section seventy-two to divide or alter the division of a county for the purposes of an Order in Council under that section shall, in relation to

PART I
—cont.

Lancashire, include power to divide or alter the division of it for the purposes of this Act, and any such Order may adapt references in this Act to the West Derby division, the Salford division or the Northern division, or to the clerk of assize on the northern circuit, in such manner as appears to Her Majesty to be necessary or expedient for the purposes of the Order.

(4) Any reference in any enactment (including an enactment passed after this Act) to a division of a county constituted by an Order in Council under the said section seventy-two shall include the divisions of Lancashire as constituted for the time being under or by virtue of this section, unless the context otherwise requires.

Transfer to Lancashire of the part of Stockport now in Cheshire.

7. For the purposes of assizes and quarter sessions (including jury service at assizes or quarter sessions), and for the purposes of the Licensing Act, 1953, that part of the county borough of Stockport which at the passing of this Act forms part of Cheshire shall cease to do so, and shall instead belong to Lancashire, and to the hundred of Salford, in the same way as the remainder of the borough.

Provision of assize courts, etc.

8.—(1) It shall be the duty of the city councils of Liverpool and Manchester, and not of the Lancashire county council or of the joint committee set up by section forty-seven of the Local Government Act, 1888, to provide, equip, maintain and manage at Liverpool and Manchester respectively such court houses and other accommodation as may be required for the purposes of the Crown Court or any other court of assize (including judges' lodgings for commissioners of assize and for judges of the Crown Court, other than the recorders of Liverpool and Manchester, and including also such office accommodation as may be required in or about the courthouses for the clerk and other officers of the court).

(2) The Lord Chancellor shall pay to each of the city councils such sum by way of rent for the office accommodation so provided by the council as may be agreed between the Lord Chancellor and the council.

(3) The city council of Liverpool or Manchester, in discharging their duties under subsection (1) of this section, may by arrangement with the standing joint committee of Lancashire provide, equip, maintain and manage accommodation for the court of quarter sessions for the county on such terms as may be agreed between the city council and the standing joint committee.

In this subsection, "the standing joint committee of Lancashire" means the standing joint committee of the court of quarter sessions and of the county council appointed in accordance with section thirty of the Local Government Act, 1888.

(4) The city council of Liverpool or of Manchester may use the whole or part of any accommodation provided by the council under subsection (1) of this section, or permit it to be used, for any purpose which does not interfere with its use for the purposes for which it is provided.

PART I
—cont.

(5) This section shall come into force on the first coming into force of commissions under section one of this Act.

9.—(1) As from the coming into force of the last foregoing section, the net annual cost to the responsible authority of assize courts in the West Derby Division, in the Salford Division and in the Northern Division shall be borne by the Lancashire county council and the councils of the county boroughs in the division in question, and shall be divided between them in proportion to the populations in that division of the administrative county and of the county boroughs.

Sharing of
costs of assize
courts and
jury service
among local
authorities.

In this section “the responsible authority” in relation to any division means the authority responsible for providing court houses and other accommodation for courts of assize in that division.

(2) For this purpose the net annual cost to the responsible authority of assize courts shall (subject to the provisions of this Act) be taken to be—

- (a) the annual cost to that authority of their functions under subsection (1) of the last foregoing section (after making all proper allowances, whether for sums received or treated as received by way of rent for the use of any accommodation or otherwise); and
- (b) the annual cost to that authority of making payments in respect of jury service at courts of assize (after making allowance for any sums reimbursed under section five of the Juries Act, 1949, as attributable to civil business).

(3) So long as commissions under section one of this Act are in force, in arriving at the net annual cost of assize courts to the city councils of Liverpool and Manchester, there shall be deducted (as representing costs attributable to quarter sessions business done in the Crown Court) from the amounts referred to in paragraphs (a) and (b) of the last foregoing subsection—

- (a) in the case of Liverpool, one eighth of the amount referred to in the said paragraph (a) except in so far as it is attributable to judges' lodgings, and in the case of Manchester one twelfth of the amount referred to in the said paragraph (a) except in so far as it is attributable either to judges' lodgings or to the erection and first equipping of the new court houses required at the passing of this Act;

F*

PART I
—cont.

(b) in the case of Liverpool and in the case of Manchester, one half of the amount referred to in the said paragraph (b).

(4) Subject to the following provisions of this section, the nature and amount of the expenditure to be incurred on the matters referred to in paragraph (a) of subsection (2) of this section shall be determined by the responsible authority.

(5) The responsible authority shall from time to time submit to each of the other authorities liable under subsection (1) of this section for the net annual cost of assize courts in the division in question (hereafter in this section referred to as “contributing authorities”) provisional estimates showing the nature and amount—

(a) of any such expenditure which the responsible authority proposes to incur (including expenditure of a capital nature); and

(b) of any provision to be made in arriving at that net annual cost, by way of loan charges or otherwise, for the capital cost of buildings and for other items not directly included.

(6) The responsible authority, before coming to a final determination on any estimates so submitted, shall allow the contributing authorities a reasonable time not exceeding two months to make representations thereon, and take into consideration any representations made by them within that time, and on coming to such a determination shall send notice of it as soon as may be to each contributing authority.

(7) Without prejudice to the responsible authority’s obligation under subsection (5) of this section to submit such further estimates as occasion may require, provisional estimates shall be submitted by the responsible authority in accordance with that subsection not later than the end of October in each year for the twelve months beginning with April in the following year; and the responsible authority, in sending to any contributing authority notice of their final determination on the annual estimates required by this subsection, shall send with it an estimate of the amount for those twelve months of that contributing authority’s liability for the net annual cost of assize courts in the division in question.

(8) As soon as may be after the end of March in each year, the responsible authority shall send to each contributing authority accounts showing the net annual cost to the responsible authority of assize courts in the division for the twelve months ending with March in that year.

(9) If a contributing authority objects to any determination of the responsible authority on any estimates submitted as aforesaid, or (except as regards matters covered by any such determination) to the said accounts or any amounts shown therein, the

contributing authority may appeal to the Secretary of State within one month of receiving notice of the determination or a copy of the accounts, as the case may be; and the Secretary of State, after giving the responsible authority an opportunity to make representations, may direct that any amount which in his opinion ought to be disallowed shall be left out of account for the purposes of subsection (2) of this section.

(10) The amount for which a contributing authority is liable under this section on account of the net annual cost of assize courts in any division for the twelve months ending with March in any year shall be paid by that authority to the responsible authority at such time or times as may be agreed between them; but in default of agreement the contributing authority shall in those twelve months pay the amount of their estimated liability, as shown in the notice under subsection (7) of this section, by two equal instalments due on the twentieth day of September and the twentieth day of March, and any underpayment or overpayment shall be made good by a further payment or by a repayment as soon as may be after the amount of their liability is finally ascertained.

(11) For the purposes of subsection (1) of this section, the population of a county borough or of any part of the administrative county for the twelve months beginning with April in any year shall be assumed to be its population according to the estimates of the registrar-general last published before the beginning of that year.

10.—(1) There shall be paid out of moneys provided by Parliament any increase attributable to this Part of this Act—

- (a) in the sums so payable on account of salaries and of pensions and other benefits under the Supreme Court of Judicature (Consolidation) Act, 1925, and the Administration of Justice (Pensions) Act, 1950; or
- (b) in the expenses of the Lord Chancellor on account of assize courts in Lancashire (including expenses incurred on or in connection with the provision of office accommodation for the use of the clerk of assize and other officers of the courts); or
- (c) in the sums so payable under Part I of the Local Government Act, 1948, or under the Local Government (Financial Provisions) (Scotland) Act, 1954.

(2) There shall be paid to the Lord Chancellor by the city council of Liverpool and by the city council of Manchester, at such times as may be agreed between him and the council, one half or such other part as may with the concurrence of the Treasury be so agreed—

- (a) of the sums referred to in paragraphs (a) and (b) of the foregoing subsection, so far as they are attributable

PART I
—cont.

Expenses other than expenses of provision of assize courts, etc.

PART I
—*cont.*

to the Crown Court at Liverpool or Manchester, as the case may be ; and

- (b) of the sums payable under this Act on account of the salary of the recorder of Liverpool or Manchester, as the case may be, or on account of any pension or other benefit in respect of service as such recorder ;

and any sums received by the Lord Chancellor under this subsection shall be paid into the Exchequer.

Supple-
mentary

11.—(1) In this Part of this Act—

- (a) “commission of assize” means a commission of assize within the meaning of the Supreme Court of Judicature (Consolidation) Act, 1925, issued under section seventy of that Act ;
- (b) “enactment” includes any order, rules, regulations or other instrument having effect under an Act of Parliament, and “passed”, in relation to an enactment, includes “made”.

(2) The First Schedule to this Act shall have effect to provide for matters of a transitional nature arising out of this Part of this Act.

PART II**MISCELLANEOUS AMENDMENTS**Extension of
Administration
of Justice
(Miscellaneous
Provisions)
Act, 1938, s. 2.

12. For the purposes of section two of the Administration of Justice (Miscellaneous Provisions) Act, 1938 (under which a court of quarter sessions has an extended jurisdiction at a session presided over by a legally qualified chairman), the recorder, deputy recorder or assistant recorder of any borough having a separate court of quarter sessions shall be deemed to be a legally qualified chairman in relation to that court, and the qualifying offices listed in subsection (3) of that section shall include the office of recorder of any such borough.

Retirement or
removal of
recorder and
others.

13.—(1) A recorder of a borough having a separate court of quarter sessions, if appointed after the coming into force of this section, shall vacate his office at the end of the completed year of service in the course of which he attains the age of seventy-two :
Provided that where the Lord Chancellor considers it desirable in the public interest to retain a recorder in office after the time for the recorder’s office to be vacated under this subsection, the Lord Chancellor may from time to time authorise the recorder to continue in office up to such age (not exceeding seventy-five years) as the Lord Chancellor thinks fit.

(2) A recorder of a borough having a separate court of quarter sessions may be removed from office by the Lord Chancellor for inability.

(3) The foregoing provisions of this section shall apply to a paid chairman or deputy chairman of the quarter sessions for the county of London as they apply to a recorder of a borough

having a separate court of quarter sessions; and for the purposes of section twenty-two of the Administration of Justice (Pensions) Act, 1950, a chairman or deputy chairman vacating office in pursuance of subsection (1) of this section (as applied by this subsection) shall be treated as retiring after the end of the completed year of service in the course of which he attains the age of seventy-two years.

(4) Subsection (1) of this section shall also apply to a metropolitan stipendiary magistrate (whenever appointed) as it applies to a recorder appointed after the coming into force of this section of a borough having a separate court of quarter sessions.

14. Where, under subsection (2) of section one of the **Remuneration of temporary recorders.** Recorders, Stipendiary Magistrates, and Clerks of the Peace Act, 1906, the Lord Chancellor appoints a person to act temporarily in the office of the recorder of a borough during a vacancy, the remuneration to be paid to the person appointed for so acting shall be such part of the yearly salary payable to the last holder of the office as the Lord Chancellor may direct.

15.—(1) The power of the recorder under section one hundred and sixty-eight of the Municipal Corporations Act, 1882, to order a second court to be formed shall extend to the formation of more than one additional court, up to such number as may be authorised by the resolution of the borough council enabling him to exercise his powers under that section; and that section shall apply in relation to each additional court so formed as it applies in relation to the second court mentioned in the section. **Additional courts of quarter sessions in boroughs.**

(2) An assistant recorder may exercise his jurisdiction and powers as such, whether or not the recorder is sitting in quarter sessions.

(3) Any assistant recorder, assistant clerk of the peace or additional crier appointed under section one hundred and sixty-eight of the Municipal Corporations Act, 1882, for an additional court formed under that section shall receive, for each day on which the court sits, such remuneration as may for the time being be laid down by resolution of the borough council passed with the approval (as respects the assistant recorder) of the Lord Chancellor; and the remuneration shall be payable on a certificate of the recorder or deputy recorder showing the amount due.

(4) Certificates given under the last foregoing subsection shall not be subject to any stamp duty or other tax.

(5) Any reference in this section to section one hundred and sixty-eight of the Municipal Corporations Act, 1882, shall include a reference to that section as extended by section seven of the Summary Jurisdiction (Appeals) Act, 1933.

PART II
—cont.

Transfer to the Lord Chancellor or the Chancellor of the Duchy of Lancaster of certain functions of the Secretary of State.

16.—(1) References to the Lord Chancellor shall be substituted for references to the Secretary of State—

- (a) in section twenty-two of the Administration of Justice (Pensions) Act, 1950 (which relates to the pensions of chairmen and deputy chairmen of the court of quarter sessions for the county of London); and
- (b) in the following enactments relating to the salary, retirement and pensions of stipendiary magistrates, that is to say, the Police Magistrates (Superannuation) Act, 1915, sections thirty-two and thirty-three of the Justices of the Peace Act, 1949, section fourteen of the Administration of Justice (Pensions) Act, 1950 (so far as that section relates to stipendiary magistrates in England and Wales), paragraphs 5 and 6 of the Third Schedule to the last mentioned Act and subsection (4) of section one of the Judicial Offices (Salaries etc.) Act, 1952:

Provided that this subsection shall not affect anything done under any of the said enactments before the subsection comes into force, or the operation of any of those enactments in relation to anything so done, except as respects the exercise after the coming into force of this subsection of the powers formerly exercisable by the Secretary of State.

(2) The Stipendiary Magistrates Act, 1869, as amended by the Justices of the Peace Act, 1949, and (so far as it relates to stipendiary magistrates) the Recorders, Stipendiary Magistrates and Clerks of the Peace Act, 1906, shall cease to have effect, and instead the Second Schedule to this Act (which reproduces the effect of the said Acts except that it transfers certain functions from the Secretary of State to the Lord Chancellor or Chancellor of the Duchy of Lancaster) shall have effect.

Exemption of boroughs with separate commissions of the peace from county contributions for magistrates' courts, etc.

17.—(1) After the end of March, nineteen hundred and fifty-six a borough having a separate commission of the peace shall not be chargeable for expenditure of the county council in respect of the costs of magistrates' courts, nor, if the borough has a separate court of quarter sessions, for expenditure of the county council in respect of the costs of quarter sessions.

(2) For the purposes of this section "the costs of magistrates' courts", in relation to a county council, means—

- (a) the costs of the county council's functions under Parts III and IV and, so far as it relates to the said Part III, section forty-two of the Justices of the Peace Act, 1949, or under Part I of the Third Schedule (justices' clerks and their staffs) to the Local Government (Superannuation) Act, 1953, or any regulations made under the said Part I; and

- (b) the cost of making payments under section eight of the said Act of 1949 (which relates to justices' travelling and lodging allowances), otherwise than in respect of duties as chairman, deputy chairman or member of a court of quarter sessions ; and
- (c) the cost of making payments in respect of the remuneration or superannuation benefits payable to or in respect of any stipendiary magistrate, or in respect of the remuneration payable to any deputy or other person appointed to act for a stipendiary magistrate ; and
- (d) any costs falling on the county council by virtue of paragraph 5 of the Fifth Schedule to the Criminal Justice Act, 1948 (which relates to the expenses of probation committees etc.).

(3) For the purposes of this section, "the costs of quarter sessions" includes the cost of making payments under section eight of the Justices of the Peace Act, 1949, in respect of duties as chairman, deputy chairman or member of the court of quarter sessions, and the cost of making payments in respect of jury service at the court of quarter sessions, but does not include any costs incidental to the quarter sessions which are borne by the county council as costs payable out of local funds in accordance with section seven of the Costs in Criminal Cases Act, 1952, or are otherwise borne by the county council in common with the corresponding costs incidental to the borough quarter sessions.

(4) In this section "court of quarter sessions" includes any committee by which the powers and duties of such a court are exercisable by virtue of any Act, and "quarter sessions" shall be construed accordingly.

18.—(1) In subsection (2) of section eight of the Summary Jurisdiction (Appeals) Act, 1933 (which relates to the panel of justices who may act as members of the court of quarter sessions for the county of London in relation to appeals), for the words "one representative of each petty sessional division" and the words "the representative of the division" there shall respectively be substituted the words "representatives of each petty sessional division" and the words "the representative or one of the representatives of the division".

Constitution for purposes of appeals of court of quarter sessions for London.

(2) The panel under the said subsection (2) shall include such number of representatives of each petty sessional division as may from time to time be provided by an Order in Council made with reference to any alteration under section eighteen of the Justices of the Peace Act, 1949, of the division of the county into petty sessional divisions :

PART II
—cont.

Provided that until the coming into force of any such Order in Council the number shall continue to be one.

(3) Any such Order in Council may include transitional provisions with respect to the constitution of a new panel or otherwise, but subject to the provisions of any such Order, no alteration of the division of the county into petty sessional divisions shall affect the constitution of the panel until the time when new nominations would regularly come into force.

(4) For the purposes of section eight of the Summary Jurisdiction (Appeals) Act, 1933, in its application to appeals from a juvenile court, the panel constituted under subsection (2) of that section shall include, in addition to the members provided for by that subsection, a special section consisting of—

- (a) fifteen justices to be nominated annually from amongst themselves by the members of the panel constituted for juvenile courts in the metropolitan stipendiary court area under paragraph 2 of the Second Schedule to the Children and Young Persons Act, 1933; and
- (b) one justice to be nominated annually from amongst themselves by the members of any panel constituted under paragraph 1 of that Schedule for juvenile courts in a petty sessional division of the county of London not wholly comprised in that area;

and arrangements shall be made to secure that, so far as practicable, when an appeal from a juvenile court is to be heard by the court of quarter sessions for the county of London, members of the special section will be available to sit with the chairman of the court, and will be not less than half the justices so sitting:

Provided that this subsection shall not have effect in relation to any appeal entered by the clerk of the peace before such day as the Secretary of State may appoint by order made by statutory instrument.

Transfer of
power to make
rules of court
under
Criminal
Appeal Act,
1907, and
rules under
Indictments
Act, 1915.

19.—(1) After the coming into force of this section rules of court under the Criminal Appeal Act, 1907, and rules under the Indictments Act, 1915, shall be made by the Rule Committee of the Supreme Court, instead of in the manner provided by those Acts.

(2) In the foregoing subsection “the Rule Committee of the Supreme Court” means the authority for the time being empowered to make rules of court under the Supreme Court of Judicature (Consolidation) Act, 1925; but the Lord Chancellor may appoint two persons appearing to him to have special experience in criminal procedure, one being a practising

barrister and one a practising solicitor, to be members of the committee for the purpose of the powers transferred to it by this section in addition to the persons appointed under subsection (4) of section ninety-nine of that Act.

PART II
—cont.

(3) The coming into force of this section shall not be taken to invalidate any rules previously made.

(4) The following enactments shall cease to have effect and are hereby repealed to the extent specified, that is to say—

- (a) in the Criminal Appeal Act, 1907, subsection (1) of section eighteen from the first “shall” to “Rules so made”, and subsection (2) of that section; and
- (b) in the Indictments Act, 1915, in section one the words “by the rule committee”, subsection (1) of section two, in subsection (2) of section two the words “subject to the approval of the Lord Chancellor”, in subsection (3) of section two the words “made by the rule committee” and subsection (4) of section two.

20. In subsection (2) of section sixteen of the Criminal Appeal Act, 1907 (under which the Secretary of State is entitled to have a transcript of the shorthand notes taken at a trial on indictment made and furnished to him for his use), the words “for his use” shall be omitted.

Transcript of shorthand notes of trial on indictment.

PART III

SUPPLEMENTARY

21.—(1) This Act may be cited as the Criminal Justice Administration Act, 1956.

Short title, extent and repeal.

(2) Nothing in this Act extends to Scotland or Northern Ireland, except in so far as Part I affects the operation of the law of Scotland or Northern Ireland in relation to courts in England and Wales.

(3) In addition to the enactments repealed by section nineteen of this Act, the enactments mentioned in the Third Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule, but in the case of the enactments mentioned in Part I of the Schedule only from the coming into force of section eight of this Act.

SCHEDULES**FIRST SCHEDULE**

Section 11.

TRANSITIONAL PROVISIONS IN CONNECTION WITH PART I

1.—(1) Subject to the provisions of this paragraph, for the purpose of enabling the like proceedings to be had after the date of the first coming into force of commissions under section one of this Act (in this paragraph referred to as “the relevant date”) as, but for the coming into force of those commissions, would have been had in respect of, or in consequence of, anything done or omitted to be done before the relevant date—

- (a) the Crown Court at Liverpool shall be treated as succeeding to, and being the same court as, the criminal assize court previously held at Liverpool or as the court of quarter sessions for Liverpool, as the case may require ; and
- (b) the Crown Court at Manchester shall be treated as succeeding to, and being the same court as, the criminal assize court previously held at Manchester or as the court of quarter sessions for Manchester, as the case may require ; and
- (c) the criminal assize court to be held at Lancaster for the Northern division of Lancashire shall be treated as succeeding to, and being the same court as, the criminal assize court previously held at the same place for the whole county ;

and any order, writ, summons, warrant, recognizance, notice, proceeding or document shall have effect accordingly.

(2) Subject to the two next following sub-paragraphs, subsections (2) to (6) of section three of this Act shall apply in relation to anything done by virtue of this paragraph by, to or before the Crown Court at Liverpool or Manchester as the court succeeding to the court of quarter sessions of the city.

(3) Where before the relevant date any person has been indicted at, or committed for trial to, or otherwise ordered to be tried before, the court of quarter sessions for Liverpool or Manchester for any indictable offence, and by virtue of this paragraph the trial takes place before the Crown Court, the Crown Court shall be deemed to be exercising its jurisdiction under section one of this Act, and not to be acting as a court of quarter sessions.

(4) Anything done by virtue of this paragraph by the Crown Court at Liverpool or Manchester or a judge thereof under section six, eight or fourteen of, or the First Schedule to, the Criminal Justice Act, 1948, in respect of a probation order, order for conditional discharge or other order made by a court of quarter sessions shall be taken as done in the exercise of the jurisdiction under section one of this Act, except where the order of the court of quarter sessions was made in or in connection with proceedings falling within the jurisdiction transferred to the Crown Court by section three of this Act.

(5) Nothing in this Act shall invalidate any summons or warrant issued before the relevant date under section eight of the Criminal Justice Act, 1948, by a committing justice within the meaning of that section in respect of a probation order or order of conditional

discharge made by an assize court held at Liverpool or Manchester or by the court of quarter sessions for Liverpool or Manchester ; but the foregoing provisions of this paragraph shall apply to any proceedings after the relevant date in pursuance of the summons or warrant as if such a justice had jurisdiction for the purposes of subsection (1) of the said section eight in respect of orders made by the Crown Court at Liverpool or Manchester, as the case may be.

1ST SCH.
—cont.

2.—(1) Section seven of this Act shall not affect the jurisdiction or powers of any court of assize or quarter sessions for Cheshire in proceedings begun in the court during the two months beginning with the date of the passing of this Act, or in relation to anything done or omitted to be done in any such proceedings ; and for this purpose the proceedings arising out of a person's being committed for trial or sentence to, or otherwise ordered to be tried before, such a court or out of any appeal to such a court shall be deemed to have been begun in the court on the date when the committal or order is made or notice of appeal is given, as the case may be.

(2) The said section seven shall not affect any person's qualification for or liability to jury service at any court of assize or quarter sessions for Cheshire or Lancashire before the coming into force of the jurors book for the county in the year nineteen hundred and fifty-six.

3.—(1) On the coming into force of section eight of this Act, the joint committee set up by section forty-seven of the Local Government Act, 1888, shall be dissolved, and all property then vested for the purposes of the Manchester Assize Courts Act, 1858, in that committee or the Lancashire county council, or in any person on behalf of that committee or council, shall vest in the city council of Manchester for the purposes of their functions under the said section eight, together with any rights or liabilities of that committee or council, or of any such person, in respect of that property, and together with any other rights or liabilities of that committee (including any right to or liability for payments not falling due until after the coming into force of the said section eight).

(2) The committee, the county council and any such person shall, at the request of the city council, execute all such assurances and take such other steps as appear to the city council to be desirable for perfecting or evidencing their title to any property or rights transferred by this paragraph, and any instrument made for that purpose shall be exempt from stamp duty.

(3) Any expenditure of the city council in respect of liabilities transferred to them by this paragraph shall, for the purposes of section nine of this Act, be included in the net annual cost to them of assize courts in the Salford division.

SECOND SCHEDULE

Section 16.

APPOINTMENT ETC. OF DEPUTY OF STIPENDIARY MAGISTRATE

1.—(1) In the event of the illness or unavoidable absence of a stipendiary magistrate, it shall be lawful for him, with the approval on each occasion of the Lord Chancellor, to appoint a person to act as his deputy for any period not exceeding three months at one time.

(2) It shall also be lawful for a stipendiary magistrate, with the approval of the Lord Chancellor, to appoint a deputy to act for him

2ND SCH.
—cont.

for any period or periods not exceeding in the aggregate six weeks in any consecutive period of twelve months.

(3) If at any time it appears to the Lord Chancellor that a stipendiary magistrate is, by reason of illness, absence or any other cause, incapable of appointing or removing a deputy, the Lord Chancellor may exercise that power on his behalf.

2.—(1) Any person appointed deputy of a stipendiary magistrate under the foregoing paragraph shall be paid such remuneration as the Lord Chancellor may direct.

(2) Any remuneration of such a deputy shall be paid by the authority paying the magistrate's salary and, in the case of a deputy for a metropolitan stipendiary magistrate, shall be paid by the Lord Chancellor out of moneys provided by Parliament.

(3) Where a stipendiary magistrate has been appointed for a joint district within the meaning of section twenty-nine of the Justices of the Peace Act, 1949, each of the authorities paying his salary in that office shall be liable under this paragraph for the remuneration of the magistrate's deputy, but it shall be borne by them in the shares agreed or last agreed for the magistrate's salary.

3.—(1) If the office of a stipendiary magistrate becomes vacant by death or otherwise, any person who immediately before the vacancy was a duly appointed deputy of the magistrate or, if there is no such deputy or no such deputy willing to act, any person appointed for the purpose by the Lord Chancellor may act temporarily in the office until a person is duly appointed to fill the vacancy:

Provided that the power of a person to act temporarily under this provision shall not extend beyond a period of six months from the occurrence of the vacancy.

(2) A person acting temporarily in the office of a stipendiary magistrate under this paragraph shall be in the same position as respects remuneration and otherwise as if he were the last holder of the office.

4. A person shall not be appointed under this Schedule to be the deputy of, or to act temporarily as, a stipendiary magistrate unless he has the qualification required by law for appointment to the magistrate's office.

5. All things required or authorised by law to be done by, to or before a stipendiary magistrate may be done by, to or before any deputy appointed or any person acting temporarily in the office under this Schedule, as if that deputy or person were the holder of the office.

6. In relation to a stipendiary magistrate appointed under Part II of the Manchester Division and Borough of Salford (Stipendiary Justices) Act, 1878, references to the Chancellor of the Duchy of Lancaster shall be substituted—

- (a) for the references to the Lord Chancellor in sub-paragraph (2) of paragraph 1 and in sub-paragraph (1) of paragraph 3 of this Schedule; and
- (b) as respects the remuneration of a deputy appointed under sub-paragraph (2) of paragraph 1 of this Schedule, for the reference to the Lord Chancellor in sub-paragraph (1) of paragraph 2 thereof.

7. Any approval or direction given, or appointment made, under any of the enactments replaced by this Schedule shall have effect for the purposes of this Schedule as if given or made under the corresponding provision of this Schedule and, where necessary, as if given or made by the Lord Chancellor or the Chancellor of the Duchy of Lancaster instead of by the Secretary of State.

2ND SCH.
—cont.

THIRD SCHEDULE

Section 21.

REPEALS

PART I

MANCHESTER ASSIZE COURTS

Session and Chapter	Short Title	Extent of Repeal
21 & 22 Vict. c. xxiv.	The Manchester Assize Courts Act, 1858.	The whole Act.
51 & 52 Vict. c. 41.	The Local Government Act, 1888.	Section forty-seven.

PART II

REPEALS DEPENDING ON PART II OF ACT

Session and Chapter	Short Title	Extent of Repeal
32 & 33 Vict. c. 34.	The Stipendiary Magistrates Act, 1869.	The whole Act.
45 & 46 Vict. c. 50.	The Municipal Corporations Act, 1882.	Subsections (3) and (8) of section one hundred and sixty-eight; paragraph 2 of the Fourth Schedule.
6 Edw. 7. c. 46	The Recorders, Stipendiary Magistrates and Clerks of the Peace Act, 1906.	In subsection (6) of section one the words "stipendiary magistrate".
23 & 24 Geo. 5. c. 38.	The Summary Jurisdiction (Appeals) Act, 1933.	Subsection (8) of section seven from "and in subsection (3)" onwards.
1 & 2 Geo. 6. c. 63.	The Administration of Justice (Miscellaneous Provisions) Act, 1938.	In section two, in paragraph (f) of subsection (2), the words "having a population of not less than fifty thousand", in subsection (3) the words "and a population of not less than fifty thousand", and subsection (4).
12, 13 & 14 Geo. 6. c. 101.	The Justices of the Peace Act, 1949.	Subsection (3) of section thirty-one; section thirty-five; in section thirty-nine, paragraph (a) of subsection (3) from "to sanction" onwards.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Criminal Law Act, 1826	7 Geo. 4. c. 64.
Assizes Act, 1833	3 & 4 Will. 4. c. 71.
Manchester Assize Courts Act, 1858	21 & 22 Vict. c. xxiv.
Stipendiary Magistrates Act, 1869	32 & 33 Vict. c. 34.
Manchester Division and Borough of Salford (Stipendiary Justices) Act, 1878	41 & 42 Vict. c. lv.
Municipal Corporations Act, 1882	45 & 46 Vict. c. 50.
Local Government Act, 1888	51 & 52 Vict. c. 41.
Assizes Relief Act, 1889	52 & 53 Vict. c. 12.
Lunacy Act, 1890	53 & 54 Vict. c. 5.
Recorders, Stipendiary Magistrates and Clerks of the Peace Act, 1906	6 Edw. 7. c. 46.
Criminal Appeal Act, 1907	7 Edw. 7. c. 23.
Police Magistrates (Superannuation) Act, 1915 ...	5 & 6 Geo. 5. c. 74.
Indictments Act, 1915	5 & 6 Geo. 5. c. 90.
Supreme Court of Judicature (Consolidation) Act, 1925	15 & 16 Geo. 5. c. 49.
Children and Young Persons Act, 1933	23 & 24 Geo. 5. c. 12.
Summary Jurisdiction (Appeals) Act, 1933 ...	23 & 24 Geo. 5. c. 38.
Administration of Justice (Miscellaneous Pro- visions) Act, 1938	1 & 2 Geo. 6. c. 63.
Supreme Court of Judicature (Circuit Officers) Act, 1946	9 & 10 Geo. 6. c. 78.
Local Government Act, 1948	11 & 12 Geo. 6. c. 26.
Criminal Justice Act, 1948	11 & 12 Geo. 6. c. 58.
Juries Act, 1949	12, 13 & 14 Geo. 6. c. 27.
Justices of the Peace Act, 1949	12, 13 & 14 Geo. 6. c. 101.
Administration of Justice (Pensions) Act, 1950...	14 & 15 Geo. 6. c. 11.
Judicial Offices (Salaries etc.) Act, 1952 ...	15 & 16 Geo. 6. & 1 Eliz. 2. c. 12.
Costs in Criminal Cases Act, 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 48.
Local Government (Superannuation) Act, 1953...	1 & 2 Eliz. 2. c. 25.
Licensing Act, 1953	1 & 2 Eliz. 2. c. 46.
Local Government (Financial Provisions) (Scot- land) Act, 1954	2 & 3 Eliz. 2. c. 13.

CHAPTER 35

An Act to validate the election to the Senate of Northern Ireland of Lieutenant Colonel Henry Sacheverell Carleton Richardson and the election to the House of Commons of Northern Ireland of Doctor Eileen Mary Hickey, The Right Honourable Sir William McCleery, Knight, Doctor Robert Samuel Nixon, and Captain The Right Honourable Sir Norman Stronge, Baronet, notwithstanding their holding certain offices; to indemnify the persons aforesaid from any penal consequences which they may have incurred by sitting and voting as members of the said Senate or House of Commons while holding those offices; and to indemnify the estate of the late Henry Fleming, Esquire, from any penal consequences which may have been incurred by him by sitting and voting as a member of the said Senate while holding a certain office.

[28th March, 1956]

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) Lieutenant Colonel Henry Sacheverell Carleton Richardson shall be deemed not to have been incapable of being elected a member of the Senate of Northern Ireland, 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 office as member of the district advisory committee for the Enniskillen district constituted under section seventeen of the Disabled Persons (Employment) Act (Northern Ireland), 1945. Validation of elections and indemnity.

(2) Doctor Eileen Mary Hickey, The Right Honourable Sir William McCleery, Knight, Doctor Robert Samuel Nixon, and Captain The Right Honourable Sir Norman Stronge, Baronet shall be deemed not to have been incapable of being elected members of the House of Commons of Northern Ireland, 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 Doctor Eileen Mary Hickey, as member of an advisory committee for the Belfast area constituted under section thirty of the Unemployment Act (Northern Ireland), 1934, or section three of the National Assistance Act (Northern Ireland), 1948;

7 & 8 Geo. 6.
c. 15.
11 & 12 Geo. 6.
c. 64.

- (b) in the case of the said Sir William McCleery, as assessor under section ten of the Reinstatement in Civil Employment Act, 1944, or section forty-three of the National Service Act, 1948;
- (c) in the case of the said Doctor Robert Samuel Nixon, as appointed factory doctor, appointed for the Bangor district under section one hundred and thirty-two of the Factories Act (Northern Ireland), 1938, as amended by section seven of the Factories Act (Northern Ireland), 1949;
- (d) in the case of the said Sir Norman Stronge, as chairman of the central advisory council for the employment of the disabled constituted under section seventeen of the Disabled Persons (Employment) Act (Northern Ireland), 1945.

(3) The persons named in subsections (1) and (2) of this section shall be and are hereby discharged, freed and indemnified from all penal consequences whatsoever which may have been incurred by them respectively by sitting or voting as members of the Senate or House of Commons of Northern Ireland while holding office as therein mentioned.

(4) The estate of the late Henry Fleming, Esquire, shall be and is hereby discharged, freed and indemnified from all penal consequences whatsoever which may have been incurred by him by sitting or voting as a member of the Senate of Northern Ireland while holding office as a member of a Rents Tribunal constituted under section two of the Excessive Rents (Prevention) Act (Northern Ireland), 1941.

Short title.

2. This Act may be cited as the Validation of Elections (Northern Ireland) Act, 1956.

CHAPTER 36

An Act to enable local authorities to defray certain expenses in connection with official and courtesy visits; and for purposes connected with the matter aforesaid.
[28th March, 1956]

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

1.—(1) In England and Wales, the council of any county, county borough, metropolitan borough or county district may—

- (a) defray any travelling or other expenses reasonably incurred by or on behalf of any members or officers of

Payment of
expenses of
official and
courtesy visits
&c.

the council in making official and courtesy visits, whether inside or outside the United Kingdom, on behalf of the council;

- (b) defray any expenses incurred in the reception and entertainment by way of official courtesy of distinguished persons visiting the county, county borough, metropolitan borough or county district and persons representative of or connected with local government or other public services whether inside or outside the United Kingdom and in the supply of information to any such persons:

Provided that, in the case of a visit within the United Kingdom, the amount defrayed under this section by a council in respect of the expenses of any member of the council shall not exceed the payments which he would have been entitled to receive by way of travelling allowance or subsistence allowance under section one hundred and thirteen of the Local Government Act, 1948, ^{11 & 12} if the making of the visit had been an approved duty of that ^{Geo. 6. c. 26.} member within the meaning of that section.

(2) There shall be paid out of moneys provided by Parliament any increase attributable to the provisions of subsection (1) of this section 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 & 3 Eliz. 2.
c. 13.

2. This Act may be cited as the Local Authorities (Expenses) Act, 1956. Short title.

CHAPTER 37

An Act to exempt international airports from the restrictions on the times at which intoxicating liquor may be sold or supplied. [17th May, 1956]

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

1.—(1) The Minister of Transport and Civil Aviation may by order bring this Act into operation at any airport which appears to him to be an airport at which there is a substantial amount of international passenger traffic. Exemption of international airports from restrictions on times at which intoxicating liquor may be sold or supplied.

(2) At an airport where this Act is in operation, section one hundred of the Licensing Act, 1953 (which prohibits the sale 1 & 2 Eliz. 2. c. 46.

of intoxicating liquor except during the permitted hours) shall not apply to licensed premises which are within the examination station approved for the airport under section sixteen of the Customs and Excise Act, 1952.

15 & 16 Geo. 6 & 1
Eliz. 2, c. 44.

(3) Before the Minister makes an order bringing this Act into operation at an airport, he shall satisfy himself that arrangements have been made for affording reasonable facilities on licensed premises within the said examination station on the airport for obtaining hot and cold beverages other than intoxicating liquor at all times when intoxicating liquor is obtainable on those premises, and if it appears to him that at any airport where this Act is in operation such arrangements are not being maintained, he shall revoke the order in force as respects that airport; but this subsection shall be without prejudice to his power of making a further order with respect to that airport.

(4) The power of making orders under this section shall include power to revoke a previous order and shall be exercisable by statutory instrument.

11 & 12 Geo. 5.
c. 42.

(5) In the application of this section to Scotland a reference to section four of the Licensing Act, 1921, and any provision or rule of law prohibiting or restricting the sale or supply of exciseable liquor on Sunday shall be substituted for the reference to section one hundred of the Licensing Act, 1953.

Short title, extent
and commencement.

2.—(1) This Act may be cited as the Licensing (Airports) Act, 1956.

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

(3) This Act shall come into force at the expiration of a period of one month beginning with the date on which it is passed.

CHAPTER 38

An Act to amend the memorandum of association of the Agricultural Mortgage Corporation Limited; validate certain debenture stock issued by that company, and, in connection therewith, amend a deed made by it for securing debenture stock issued by it; and authorise the Minister of Agriculture, Fisheries and Food to make further advances to that company for the purpose of increasing its guarantee fund.

[17th May, 1956]

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 memorandum of association of the company formed for the purposes of Part I of the Agricultural Credits Act, 1928, by the name of the Agricultural Mortgage Corporation Limited (in this Act referred to as "the company") shall have effect with the substitution, in proviso (C) to clause 3 thereof (which limits, by reference, amongst other things, to the amount on loan from the Minister of Agriculture, Fisheries and Food under the provisions of that Act, the amount of debentures, debenture stock or other securities which may be issued by the company), for the words "under the provisions of the Agricultural Credits Act, 1928", of the words "for the purposes of the company's guarantee fund".

Amendment of powers of company with respect to issue of debenture stock, &c., and validation of certain debenture stock issued by it.
18 & 19 Geo. 5. c. 43.

(2) Any debenture stock issued by the company between the end of the year nineteen hundred and fifty and the passing of this Act shall be as valid as it would have been had the foregoing subsection been in force at the time when the stock was issued, and references to the said proviso in clause 3 of the trust deed made on the twenty-fourth day of July, nineteen hundred and twenty-nine, between the company and the Whitehall Trust Limited (being a deed to secure debenture stock issued by the company) shall be construed as references to that proviso as amended by the foregoing subsection.

2.—(1) The Minister of Agriculture, Fisheries and Food may, for the purpose of increasing the company's guarantee fund, make advances to the company not exceeding in the aggregate, with the advances made by him to the company under the said Act of 1928 and the Agriculture (Miscellaneous Provisions) Act, 1944, three million two hundred and fifty thousand pounds, and on the same conditions as to repayment and as to payment of interest as the last-mentioned advances.

Increase of company's resources.
7 & 8 Geo. 6. c. 28.

(2) Any sums required for the purpose of making advances under the foregoing subsection shall be issued out of the Consolidated Fund at such times and to such amounts as the Treasury think fit; and any sums paid by way of repayment of, or interest on, any such advances shall be paid into the Exchequer.

(3) Paragraph (3) of clause 3 of the memorandum of association of the company (which specifies, as one of the company's objects, the raising of money on loan from Her Majesty's Government as provided by the said Act of 1928) shall have effect, and be deemed always to have had effect, with the omission of the words "as provided by the Agricultural Credits Act, 1928".

Saving of power to alter memorandum of association. 11 & 12 Geo. 6. c. 38.

3. Nothing in this Act shall affect the power of the company, with the approval of the Minister of Agriculture, Fisheries and Food, to alter its memorandum of association under the provisions of the Companies Act, 1948.

Short title.

4. This Act may be cited as the Agricultural Mortgage Corporation Act, 1956.



CHAPTER 39

Pensions (Increase) Act, 1956

ARRANGEMENT OF SECTIONS

Section

1. Increase of pensions specified in the First Schedule.
2. Extension of increases under Pensions (Increase) Acts, 1920 and 1924.
3. Extension of increases under Pensions (Increase) Acts, 1944 and 1947.
4. Extension of increases under Pensions (Increase) Act, 1952.
5. Other amendments of Act of 1944 and Act of 1952.
6. Increase of certain pensions affected by further service.
7. Additional provisions as to police and fire service pensions.
8. Powers to increase other pensions.
9. Supplementary provisions.
10. Financial provisions.
11. Interpretation.
12. Application to Scotland.
13. Short title, repeals, extent and commencement.

SCHEDULES:

First Schedule—Pensions which may be increased under section one of this Act.

Second Schedule—Rate of increase of pension under section one of this Act.

Third Schedule—Amendment of Act of 1920.

Fourth Schedule—Additional pensions which may be increased under Acts of 1944 and 1947 or Act of 1952.

Fifth Schedule—Enactments repealed.

An Act to provide for increases in certain pensions; and to amend the Pensions (Increase) Acts, 1920 and 1924, the Pensions (Increase) Acts, 1944 and 1947, the Pensions (Increase) Act, 1952, and the Second Schedule to the Pensions (India, Pakistan and Burma) Act, 1955. [17th May, 1956.]

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

1.—(1) Subject to the provisions of this Act, any pension specified in the First Schedule to this Act may be increased by the pension authority to the extent authorised by the Second Schedule to this Act: Increase of pensions specified in First Schedule.

Provided that a pension shall not be increased under this section—

- (a) in the case of a pension computed by reference to average emoluments (not being a pension computed under paragraph (b) of subsection (2) of section thirty-six of the Superannuation Act, 1949), if the averaging period began later than twelve months less one day before the relevant date ;
- (b) in any other case, if the pension began after the relevant date.

In this subsection the expression “ the relevant date ” means—

- (i) in the case of a pension computed by reference to final or average emoluments of fifteen hundred pounds or more, the thirty-first day of December, nineteen hundred and forty-seven ;
- (ii) in any other case, the thirty-first day of March, nineteen hundred and fifty-two.

(2) Subsections (2), (3), (4) and (6) of section one of the Act of 1944 (which define the circumstances in which a pension may be increased under that section) shall apply for the purposes of this section as if any reference in those subsections to the said section one included a reference to subsection (1) of this section ; and, subject to the next following subsection, in the application of those subsections for the said purposes, the expression “ dependant ”, in relation to a pensioner, shall be construed as meaning a person who the pension authority are satisfied is wholly or mainly supported by the pensioner and who either has not attained the age of sixteen years or, having attained that age, is either receiving full-time instruction at an educational establishment or undergoing training for a trade, profession or vocation in such circumstances that he is required to devote the whole of his time to that training for a period of not less than two years.

(3) Where, immediately before the appointed day, an increase under the Acts of 1944 and 1947 or the Act of 1952 was payable in the case of a pension by reason only that some person was a dependant of the pensioner by virtue of subsection (5) of section

one of the Act of 1944, then, so long as the pension authority are satisfied that that person continues to be wholly or mainly supported by the pensioner, that person shall be deemed to be a dependant of the pensioner for the purposes of the application of subsections (2), (3) and (4) of section one of the Act of 1944 to increases under subsection (1) of this section :

Provided that—

- (a) this subsection shall only apply to a person by virtue of paragraph (a) of the said subsection (5) so long as that person would continue to be a dependant of the pensioner under the last foregoing subsection if the words from “in such” onwards were omitted therefrom ;
- (b) where this subsection applies to any person by virtue of paragraph (b), (c) or (d) of the said subsection (5) and an increase under subsection (1) of this section is payable in the case of a pension by reason only that that person is deemed under this subsection to be a dependant of the pensioner, the annual rate of that increase shall be reduced in respect of any period by the amount, if any, by which the pension authority are satisfied that the annual rate of the total income in that period of that person from any other source exceeds one hundred and fifty-six pounds a year.

Extension of
increases under
Pensions
(Increase)
Acts, 1920
and 1924.

2.—(1) For the purposes of an increase under the Acts of 1920 and 1924 in any pension payable out of moneys provided by Parliament, or out of the Education (Scotland) Fund, or by police, local or other public authorities in Great Britain—

- (a) any restriction on the making of such an increase, or on the amount of the increase, imposed by those Acts by reference to the means of the pensioner shall cease to have effect ;
- (b) the amount of the increase shall be that applicable if the pensioner were a married person, whether or not he is in fact a married person ;
- (c) the upper limit of the amount of a pension which may be increased by thirty per cent. shall cease to have effect, so, however, that no pension shall be increased by virtue of this paragraph by an amount greater than sixty pounds a year.

(2) In relation to any instalment of a pension payable as aforesaid, the Schedule to the Act of 1920 shall have effect subject to the amendment specified in the Third Schedule to this Act, being an amendment consequential on the provisions of this section and of section one of the Act of 1924.

(3) This section shall be construed as one with the Acts of 1920 and 1924.

3.—(1) For the purposes of an increase under section one of the Act of 1944 in any pension—

Extension of
increases under
Pensions
(Increase)
Acts, 1944
and 1947.

- (a) any restriction on the making of such an increase, or on the amount of the increase, imposed by the Acts of 1944 and 1947 by reference to the income of the pensioner shall cease to have effect ;
- (b) the amount of the increase shall be that applicable if the pensioner were married, whether or not he is in fact married ;
- (c) subject to subsection (3) of this section, the upper limit of the amount of a pension which may be increased by sixty pounds a year shall cease to have effect.

(2) The Acts of 1944 and 1947 shall have effect as if the pensions specified in Part I of the Fourth Schedule to this Act were included among the pensions specified in Part I of the First Schedule to the Act of 1944 and as if the pensions specified in Part III of the said Fourth Schedule were included among the pensions specified in Part II of the said First Schedule.

(3) In relation to a pension which falls to be increased by virtue of paragraph (c) of subsection (1) of this section and which as so increased exceeds, or would but for this subsection exceed, four hundred and fifty pounds, subsection (2) of section three of the Act of 1944 (which provides for the reduction or exclusion of an increase under that Act where the amount of a pension has been increased by reason of an addition by way of war bonus or similar allowance to the emoluments of any office or employment in respect of which, or on retirement from which, the pension is payable) shall have effect as if the references therein to such an addition included any excess of the said emoluments over what they were on the third day of September, nineteen hundred and thirty-nine, or, as the case may be, over what in the opinion of the pension authority they would have been on that day had the office or employment then existed :

Provided that no pension shall by virtue of this subsection be less than it would have been if the said paragraph (c) and this subsection had not been passed.

4.—(1) For the purposes of an increase under the Act of 1952 in any pension—

Extension of
increases under
Pensions
(Increase)
Act, 1952.

- (a) any restriction on the making of such an increase, or on the amount of the increase, imposed by that Act by reference to the income of the pensioner shall cease to have effect ;
- (b) the amount of the increase shall be that applicable if the pensioner were married, whether or not he is in fact married.

(2) The Act of 1952 shall have effect as if the pensions specified in Parts I and II of the Fourth Schedule to this Act were included among the pensions specified in Part I of the First Schedule to that Act and as if the pensions specified in Part III of the said Fourth Schedule were included among the pensions specified in Part II of the said First Schedule.

Other
amendments
of Act of 1944
and Act of
1952.

5.—(1) Subsection (5) of section one of the Act of 1944 (which defines the expression “dependant” for the purposes of that section and the Second Schedule to that Act) shall cease to have effect, and for the purposes of the said section one and of section one of the Act of 1952 the expression “dependant” shall have the meaning assigned by subsections (2) and (3) of section one of this Act, with the substitution in the said subsection (3) for any reference to an increase under subsection (1) of section one of this Act of a reference to an increase under section one of the Act of 1944 or, as the case may be, of the Act of 1952.

(2) The Act of 1944 and the Act of 1952 shall each have effect and be deemed always to have had effect—

(a) as if after paragraph 1 of Part II of the First Schedule to each respectively of those Acts there were inserted the following new paragraph—

“ 1A. A pension payable by any local authority under paragraph (b) of subsection (3) of section fourteen of the Teachers (Superannuation) Act, 1925 ”; and

(b) as if the reference in subsection (2) of section five of each respectively of those Acts to the said paragraph 1 included a reference to the said paragraph 1A:

Provided that no adjustment shall be made between any pension authorities by reason of this subsection in respect of any payment made before the passing of this Act.

(3) The Act of 1944 shall have effect, and be deemed always to have had effect, as if for paragraph 7 of the Second Schedule to that Act there were substituted the following paragraph—

“ 7. Where a person in receipt of a pension specified in the First Schedule to this Act is also in receipt of another pension so specified or a service pension, then, for the purposes of this Schedule, both or all those pensions shall be aggregated and the amount which would have been the authorised increase of a single pension equal to that aggregate if that single pension had been a pension specified in the said First Schedule shall be apportioned between the pensions in the proportions which they bear to one another, and the amount so apportioned to any pension specified in the said First Schedule shall be the authorised increase of that pension.”

(4) Subsection (1) of section four of the Act of 1952 shall have effect, and be deemed always to have had effect, as if in paragraph (a) thereof (which provides that a pension granted in consideration of the surrender of part of another pension shall be deemed to begin on the day from which the surrender takes effect) after the word "effect" there were added the words "or the day on which that other pension began, whichever is the earlier".

6.—(1) Where a person has, after being in receipt of a pension specified in the First Schedule to this Act, rendered further service by virtue of which the basic rate of that pension has fallen. (or if that further service had been terminated by retirement would have fallen) to be reassessed, the next following subsection shall apply to that pension and to any other pension the basic rate of which was computed by reference to (or to what in the circumstances aforesaid would have been) the basic rate of the first-mentioned pension, not being such an other pension granted in consideration of the surrender of part of the first-mentioned pension.

Increase of certain pensions affected by further service.

(2) If the aggregate of the basic rate of the pension in question and any increase of that pension under, or by reference to increases under, the Acts of 1920 and 1924, the Acts of 1944 and 1947, the Act of 1952, the Act of 1954, or section one of this Act falls short of what that aggregate would have been if the further service aforesaid had not been rendered, the pension in question may be further increased by the pension authority by the amount of the difference.

7.—(1) Any regulations made within one year after the passing of this Act—

Additional provisions as to police and fire service pensions.

(a) under section one of the Police Pensions Act, 1948, or section eleven of the Police (Scotland) Act, 1956, or by Order in Council under the Special Constables Act, 1914, with respect to pensions payable to widows or children of the persons in respect of whom those pensions are granted, being pensions granted otherwise than in consideration of the surrender of part of another pension; or

(b) by order under the Metropolitan Police Staff (Superannuation) Acts, 1875 to 1931, as originally enacted or as applied or extended by any subsequent enactment,

for granting increases in any pensions to which those regulations apply may be made so as to take effect from such date, whether before or after the making of the regulations, as may be specified therein, not being earlier than the appointed day.

(2) For the purposes—

- (a) of any regulations made before the passing of this Act under any of the enactments mentioned in paragraphs (a) and (b) of the foregoing subsection or under subsection (3) of section two of the Act of 1952 ; or
- (b) of any scheme brought into operation before the passing of this Act under section twenty-six of the Fire Services Act, 1947,

providing for increases in pensions to be ascertained by reference to increases under the Acts of 1944 and 1947 or the Act of 1952, any question as to whether any, and if so what, increase falls to be made in any pension shall be determined as if the increases provided for by the regulations or scheme fell to be ascertained by reference to increases under those Acts as amended by this Act and to increases under section six of this Act.

(3) Where—

- (a) a pension under any scheme brought into operation before the passing of this Act under section twenty-six of the Fire Services Act, 1947 ; or
- (b) a pension such as is mentioned in subsection (3) of section two of the Act of 1952,

has been granted at the higher of two different rates, the pensioner shall be entitled to a pension at the higher of those rates after taking into account the increase, if any, conferred in relation to each of those rates by virtue of the Acts of 1944 and 1947, by virtue of this Act, or by reference to increases under the Act of 1952.

(4) Where, in relation to a pension payable under a scheme brought into operation by an order under section twenty-six of the Fire Services Act, 1947, to the widow or a child of the person in respect of whom the pension is payable, that scheme is subject to the modifications set out in subsection (3) of section twenty-seven of that Act, the Schedule to the Fire Services (Pensions Increase) Regulations, 1952, shall apply in relation to that pension as if those regulations provided for the pension to be increased in accordance with paragraph 1, or, where the amount of the pension is calculated otherwise than by reference to the remuneration of the person aforesaid, in accordance with paragraphs 1 and 2, of that Schedule ; and article 8A of the Firemen's Pension Scheme, 1948, article 8A of the Firemen's Pension Scheme, 1952, and articles 5 and 24 of the Firemen's Pension Scheme (No. 3) Order, 1952, are hereby revoked.

(5) Where, after the passing of this Act, a pension of an amount determined otherwise than by reference to a rate, or an

average rate, of emoluments, not being a pension to which the last foregoing subsection applies, is granted under any scheme brought into operation by an order under section twenty-six of the Fire Services Act, 1947, no increase thereof shall be made under the Acts of 1944 and 1947 by reason of the fact that the amount of the pension was not determined as mentioned in subsection (2) of section three of the Act of 1947.

8.—(1) The provisions of the following enactments shall apply in relation to increases under this Act as they apply in relation to increases under the Acts therein mentioned, and accordingly shall have effect subject to the modifications hereinafter respectively specified, that is to say—

Powers to increase other pensions.

- (a) section four of the Act of 1944 (which empowers Her Majesty by Order in Council to direct that the Act of 1944 shall have effect in relation to certain pensions payable by local authorities but not specified in Part II of the First Schedule to that Act as if those pensions were so specified) as if the references therein to the Act of 1944 and to Part II of the First Schedule to that Act included references to this Act and to Part II of the First Schedule to this Act ;
- (b) subsection (3) of section five of the Superannuation Act, 1946 (which enables the Treasury to confer on civil servants who are subject to any superannuation scheme mentioned in that section benefits corresponding to the increases provided by the Act of 1944) as if the reference to sections one and two of the Act of 1944 included a reference to sections one and six of this Act ;
- (c) section five of the Act of 1947 (which enables the Treasury to authorise the payment, in the case of pensions under schemes not falling within the Act of 1944, of the like increases as would be payable if they were specified in the First Schedule to the Act of 1944) as if the reference to the First Schedule to the Act of 1944 included a reference to the First Schedule to this Act and as if for the reference to the passing of the Act of 1947 there were substituted a reference to the appointed day ;
- (d) subsection (1) of section three of the Pensions (India, Pakistan and Burma) Act, 1955 (which enables the Treasury to direct that the Acts of 1944 and 1947 and the Act of 1952; among other Acts, shall apply with adaptations and modifications in relation to certain pensions as if they were pensions specified in Part I of the First Schedule to the Act of 1944 or, as the case may be, to the Act of 1952) as if any reference to the Acts

of 1944 and 1947 or to the Act of 1952 included a reference to any provision of this Act amending those Acts respectively and as if the references to the Act of 1952 and to Part I of the First Schedule to that Act included references respectively to this Act and to Part I of the First Schedule to this Act.

(2) The following provisions of the Second Schedule to the Pensions (India, Pakistan and Burma) Act, 1955 (which specify certain pensions payable to persons resident in certain areas in respect of certain service as pensions which may be increased by virtue of rules under the said Act of 1955) shall be amended as follows, that is to say—

- (a) in paragraph 1 of Part I, for the words “ in the United Kingdom or, where the pension is expressed in sterling, in any other place outside India and Pakistan ” there shall be substituted the words “ outside India, Pakistan, Burma and Aden ”, and after the figures “ 1947 ” there shall be inserted the words “ or which was rendered by a person who, in the opinion of the Secretary of State, was at the date when the service began, being a date before the said fifteenth day of August, domiciled outside Asia ”; and
- (b) in paragraph 1 of Part II, for the words “ in the United Kingdom or, where the pension is expressed in sterling, in any other place outside Burma, India and Pakistan ” there shall be substituted the words “ outside Burma, India, Pakistan and Aden ”, and after the figures “ 1947 ” there shall be added the words “ or which was rendered by a person who, in the opinion of the Secretary of State, was at the date when the service began, being a date before the said fourth day of January, domiciled outside Asia ”.

Supplementary provisions.

9.—(1) For the purposes of section one of this Act, a pension shall be deemed to begin—

- (a) where the pension is granted under any enactment in consideration of the surrender of part of another pension, on the day from which the surrender takes effect or the day on which that other pension began, whichever is the earlier ;
- (b) where the amount of the pension (not being a pension computed under paragraph (b) of subsection (2) of section thirty-six of the Superannuation Act, 1949) is computed by reference to emoluments received during any period of service, or would be so computed apart from any provision specifying a fixed sum as the minimum rate of the pension, on the day following the last day of that service :

(c) in any other case, on the day following the last day of the service in respect of which the pension is payable,

whether or not the pension accrues from that day.

(2) Where any pension specified in Part II of the First Schedule to this Act may be increased under the provisions of section one or section six of this Act, it shall be the duty of the pension authority to increase the pension in accordance with those provisions :

Provided that nothing in this subsection shall prevent a pension authority making such reduction in the amount of any increase payable under the said provisions to a pensioner as may be necessary to secure, where the pensioner is in receipt of a non-contributory pension under the Old Age Pensions Act, 1936, that he shall receive the greatest possible amount in respect of the increase and the non-contributory pension taken together.

(3) In calculating the amount of any pension for the purposes of the Acts of 1920 and 1924, the Acts of 1944 and 1947, the Act of 1952, or the Act of 1954, any increase for which provision is made by section one or section six of this Act shall be disregarded ; and no account shall be taken of any such increase in ascertaining the rate of the superannuation allowance of any person for the purposes of any pension granted under Part I or Part II of the Superannuation Act, 1949.

(4) Where a pension granted under Part I or Part II of the Superannuation Act, 1949, enures for the benefit of more than one child or dependant, the pension shall be treated for the purposes of sections one and six of this Act as a number of separate pensions equal to the number of those children or dependants ; and the amount of each such pension shall be deemed for those purposes to be a sum ascertained—

(a) where the whole of the pension is paid to the same person, by dividing the amount of the pension by the number of children or dependants ;

(b) where different parts of the pension are paid to different persons, by dividing each part by the number of children or dependants for whose benefit that part is so paid.

(5) Where any pension falls to be increased under section one or section six of this Act, the pension authority may require the pensioner to inform them whether or not any other pension so falling to be increased or such as is mentioned in sub-paragraph (2) of paragraph 4 of the Second Schedule to this Act is payable to him, and may withhold payment of the increase until that information has been given.

(6) The Treasury may by regulations made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament, provide that, in relation to any class of pensions specified in the regulations, all or any of the functions of the pension authority under this Act shall be performed on behalf of the pension authority by such other authority as may be so specified.

(7) Subject to the provisions of this Act and of any Order in Council made by virtue thereof, any provision made by or under any enactment shall, in so far as it relates to the apportionment of the cost of a pension between two or more authorities, or to the manner in which a pension is to be paid, or to the proof of title to sums payable on account of a pension, or in so far as it prohibits or restricts the assignment or charging of a pension or its application towards the payment of debts, have effect in relation to any increase payable under section one or section six of this Act as it has effect in relation to the pension in respect of which the increase is payable; but save as aforesaid any such increase shall not be treated as part of the pension for the purposes of any such provision as aforesaid.

Financial provisions.

10.—(1) There shall be defrayed out of moneys provided by Parliament—

- (a) any expenditure incurred in respect of the increase under section one or six of this Act of any pension specified in Part I of the First Schedule to this Act;
- (b) any increase attributable to any provision of this Act in the sums payable out of moneys so provided under any other enactment.

(2) Where any pension specified in paragraph 1, 2, 4 or 7 of Part II of the First Schedule to this Act is increased under this Act, the cost of the increase shall be defrayed by the pension authority; but where the pension authority are not the last employing authority, the last employing authority shall reimburse the cost of the increase to the pension authority.

(3) For the purposes of the last foregoing subsection the expression “the last employing authority” has the meaning assigned by subsection (3) of section five of the Act of 1944, and any question who are the last employing authority shall be determined in accordance with subsection (4) of that section.

(4) Nothing in this section shall affect the operation, in relation to any increase under this Act, of the provisions of section fourteen of the Police Act, 1890, and section ten of the Police Pensions Act, 1921, as to the payment of pensions partly out of the Police Fund and partly out of moneys provided by Parliament.

11.—(1) In this Act, the following expressions have the following meanings respectively, that is to say— Interpretation.

“the Act of” any specified year means the Pensions (Increase) Act of that year ;

“the appointed day” means the first day of April, nineteen hundred and fifty-six ;

“average emoluments”, in relation to any pension, means the average annual rate of the relevant emoluments over a period of service in an office or employment of the person in respect of whose service in that office or employment the pension is payable ;

“averaging period”, in relation to any pension computed by reference to average emoluments, means the period of service by reference to which the average emoluments fall to be determined ;

“basic rate”, in relation to any pension, means the annual rate of that pension apart from any increase granted under, or by reference to increases under, the Acts of 1920 and 1924, the Acts of 1944 and 1947, the Act of 1952, the Act of 1954, or this Act ;

“final emoluments”, in relation to any pension, means the annual rate of the relevant emoluments in an office began by the person in respect of whose service in that office or employment the pension is payable ;
or employment received immediately before the pension

and, except in section two of this Act, and unless the context otherwise requires, “enactment”, “local authority”, “pension authority” and “pension” have the same meanings respectively as in the Act of 1944.

(2) Except where the context otherwise requires, any reference in this Act to any enactment shall be construed as a reference to that enactment as amended by or under any other enactment, including any enactment contained in this Act.

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

(2) Any additional expenditure incurred by reason of the provisions of this Act in respect of pensions payable under the Education (Scotland) Acts, 1939 to 1953, shall be defrayed out of the Education (Scotland) Fund ; and for the purpose of ascertaining the sum to be paid into that fund under paragraph (d) of subsection (2) of section sixty-nine of the Education (Scotland) Act, 1946, any additional expenditure incurred by reason of the provisions of this Act in respect of pensions payable under the Elementary School Teachers (Superannuation) Acts, 1898 to 1912 (so far as they relate to England and Wales) and the Teachers (Superannuation) Acts, 1918 to 1946,

shall be treated as included in the sums estimated to be expended and the sums actually expended from the vote for education in England and Wales on the superannuation of teachers.

(3) Any expenditure incurred by any local authority by reason of any increase under this Act in any pension payable in respect of the services of any person shall be defrayed out of the funds, rates or revenues upon which the emoluments of that person were charged.

Short title,
repeals, extent
and commence-
ment.

13.—(1) This Act may be cited as the *Pensions (Increase) Act, 1956*.

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

(3) Except for the purpose of the increase of pensions payable under the Superannuation Acts, 1834 to 1950, under the Eighth Schedule to the Government of Ireland Act, 1920, under the enactments relating to the pensions of the Royal Irish Constabulary or under section twenty-nine of the Finance Act, 1932, this Act shall not extend to Northern Ireland.

(4) This Act shall be deemed to have come into force on the first day of April, nineteen hundred and fifty-six.

SCHEDULES

FIRST SCHEDULE

PENSIONS WHICH MAY BE INCREASED UNDER SECTION ONE OF THIS ACT

PART I

Pensions payable by government departments

1. A pension payable under the Superannuation Acts, 1834 to 1950.
2. A pension payable under the Eighth Schedule to the Government of Ireland Act, 1920.
3. A pension payable under the Elementary School Teachers (Superannuation) Acts, 1898 to 1912.
4. A pension payable under the Teachers (Superannuation) Acts, 1918 to 1946, or the Education (Scotland) Acts, 1939 to 1953, not being a pension payable under paragraph (b) of subsection (3) of section fourteen of the Teachers (Superannuation) Act, 1925.
5. A pension payable under the enactments relating to the pensions of the Royal Irish Constabulary, not being a pension payable under regulations made under section one of the Royal Irish Constabulary (Widows' Pensions) Act, 1954.
6. A pension payable by a Secretary of State under the Police (Overseas Service) Act, 1945, or the Police Pensions Act, 1948, to a person who at the time of his retirement was engaged as mentioned in subsection (1) of section one of the said Act of 1945, or granted in consideration of the surrender of part of such a pension.

Sections 1, 6, 8,
9, 10 & 2nd Sch.

1st Sch.
—cont.

7. A pension payable by a Secretary of State in accordance with any scheme in force under section twenty-six of the Fire Services Act, 1947.

8. A pension payable under section twenty-nine of the Finance Act, 1932, section sixty of the Finance (No. 2) Act, 1945, or section sixty-two of the Finance Act, 1946.

9. A pension payable by the Minister of Health under section six of the National Health Service Act, 1946, or in pursuance of regulations made under section sixty-seven or section sixty-eight of that Act.

10. A pension payable by the Secretary of State under section six of the National Health Service (Scotland) Act, 1947, or in pursuance of regulations made under section sixty-six or section sixty-seven of that Act.

11. A pension payable by the Minister of Pensions and National Insurance in pursuance of regulations made under section sixty-seven of the National Insurance Act, 1946, or of rules made under section three of the Superannuation (Miscellaneous Provisions) Act, 1948, not being a pension specified in paragraph 1 of this Part of this Schedule.

12. A pension payable under rule 7 or rule 10 of the National Insurance and Civil Service (Superannuation) Rules, 1948.

13. A pension payable under the Pensions (Governors of Dominions, &c.) Acts, 1911 to 1947.

14. A pension payable under Part I of the Administration of Justice (Pensions) Act, 1950, out of the Consolidated Fund of the United Kingdom or moneys provided by Parliament.

15. A pension payable under section nine of the County Courts Act, 1934.

16. A pension payable under section twenty of the Sheriff Courts (Scotland) Act, 1907.

17. A pension payable under the Police Magistrates (Superannuation) Acts, 1915 and 1929.

18. A pension payable under the Judges Pensions (India and Burma) Act, 1948.

19. A pension payable under subsection (3) of section one of the Scottish Land Court Act, 1938.

20. A pension payable under the Diplomatic Salaries, &c. Act, 1869.

PART II

Pensions payable by local authorities, etc.

1. A pension payable by any local authority solely in respect of local government service as defined for the purposes of paragraph 1 of Part II of the First Schedule to the Act of 1944, not being a pension specified in paragraph 4 of this Part of this Schedule.

2. A pension payable by any local authority under paragraph (b) of subsection (3) of section fourteen of the Teachers (Superannuation) Act, 1925.

G*

1ST SCH.
—cont.

3. A pension payable under the Police Pensions Act, 1948, the Special Constables Act, 1914, or any enactment repealed by the said Act of 1948 or by the Police Pensions Act, 1921, not being a pension specified in paragraph 6 of Part I of this Schedule or a pension (other than a pension granted in consideration of the surrender of part of another pension) payable to the widow or a child of the person in respect of whom it is granted.

4. A pension payable in respect of service as a whole-time member of a fire brigade in accordance with any scheme in force under section twenty-six of the Fire Services Act, 1947, or otherwise payable by a local authority in respect of service as a professional fireman as defined by the Fire Brigade Pensions Act, 1925, or in respect of any service which, by or under any enactment, is treated as approved service in a fire brigade, not being a pension specified in paragraph 7 of Part I of this Schedule.

5. A pension payable under the Police Pensions Act, 1921, to the widow or a child of a person to whom the National Fire Service (Preservation of Pensions) (Police Firemen) Regulations, 1941, applied at the time of that person's death or retirement.

6. Any such pension as is specified in paragraph (b) of subsection (1) of section eight of the Act of 1944 (which relates to compensation for loss of office), being a pension payable by a local authority.

7. Any pension in relation to which the Act of 1944 or the Act of 1952 has effect by virtue of any Order in Council in force at the passing of this Act under section four of the Act of 1944, or under that section as applied by section four of the Act of 1952, as if it were a pension specified in Part II of the First Schedule to the Act of 1944 or, as the case may be, in Part II of the First Schedule to the Act of 1952.

8. A pension payable under section six of the Coroners (Amendment) Act, 1926.

Sections 1, 9.

SECOND SCHEDULE

RATE OF INCREASE OF PENSION UNDER SECTION ONE OF THIS ACT

1. Subject to the provisions of this Schedule, the increase under section one of this Act (in this Schedule referred to as the "authorised increase") in the case of a pension in respect of which such an increase is authorised or required to be made (in this Schedule referred to as a "relevant pension") shall be ten per cent. of the basic rate of the pension or one hundred pounds a year, whichever is the less.

2. In the case of a relevant pension computed by reference to final or average emoluments of less than fifteen hundred pounds which began after the thirty-first day of December, nineteen hundred and forty-seven, the authorised increase shall not exceed such amount as, when aggregated with the basic rate of the pension, equals what would have been the aggregate of that basic rate and the authorised increase, if any, if the pension had been computed by reference to final or, as the case may be, average emoluments of fifteen hundred pounds.

3. If the basic rate of a relevant pension was computed by reference to average emoluments, and the averaging period began before, but

2ND SCH.
—cont.

the pension began after, the relevant date within the meaning of subsection (1) of section one of this Act, the authorised increase, as ascertained apart from this paragraph, shall be reduced in respect of each half-year of the averaging period which falls wholly or partly after that date by a sum ascertained by dividing the amount of that increase by the total number of half-years in the averaging period.

4.—(1) Where a pensioner is in receipt of two or more relevant pensions in respect of services rendered by the same person, the authorised increases of those pensions shall not in the aggregate exceed the amount which would represent the authorised increase if those pensions were a single relevant pension at a basic rate equal to the aggregate of the basic rates of those pensions; and where the said increases, as ascertained apart from this paragraph, would exceed that amount, the increase in the case of each of the pensions shall be calculated by dividing that amount between them in proportion to the said increases as ascertained as aforesaid.

(2) Where a person who is in receipt of a relevant pension is also in receipt of another pension, in respect of services rendered by the same person, in the case of which an increase is payable under any scheme (wherever in force and whether or not authorised by or under any enactment) determined by the Treasury for the purposes of this paragraph to be similar to the provisions of section one of this Act, then, for the purpose of ascertaining the authorised increase of the relevant pension, the foregoing sub-paragraph shall have effect as if that other pension and the increase thereof under that scheme were respectively a relevant pension and the authorised increase thereof.

(3) For the purposes of this paragraph, a person for whose benefit a pension is payable shall be deemed to be in receipt of the pension notwithstanding that it is payable to some other person.

5. Where two or more relevant pensions payable in respect of the same service of the same deceased person are paid to one recipient for the benefit of two or more persons, the authorised increases of those pensions shall not in the aggregate exceed the amount which would represent the authorised increase if those pensions were a single relevant pension at a basic rate equal to the aggregate of the basic rates of those pensions; and where the said increases, as ascertained apart from this paragraph, would exceed that amount, the authorised increase in the case of each of the pensions shall be calculated by dividing that amount between them in proportion to the said increases as ascertained as aforesaid.

6. Where a pension specified in the First Schedule to this Act has been granted by the pension authority in consideration of the surrender of part of another pension under any arrangement providing for such surrender and grant, that pension shall be deemed for the purposes of section one of this Act and this Schedule to have been computed by reference to the emoluments by reference to which that other pension was computed; and the authorised increases, if any, of that other pension and any pension granted in consideration of such a surrender of part thereof shall not in the aggregate exceed the amount which would represent the authorised increase of that other pension if no part thereof had been surrendered, and where the said increases, as ascertained apart from this paragraph, would exceed

2ND SCH.
—cont.

that amount, the authorised increase in the case of each of the pensions shall be calculated by dividing that amount between them in proportion to the said increases as ascertained as aforesaid.

7.—(1) Where, in the case of any pension specified in the First Schedule to this Act, the appropriate authority is satisfied that it is proper so to do, that authority, or, where that authority is not the Treasury, that authority with the consent of the Treasury, may by regulations provide that subsection (1) of section one of this Act and this Schedule shall apply in relation to any such pension subject to such modifications, adaptations and exceptions as may be specified in the regulations.

(2) In the foregoing sub-paragraph, the expression “the appropriate authority” means the Treasury, the Lord Chancellor, a Secretary of State, the Minister of Housing and Local Government, the Minister of Education, the Minister of Pensions and National Insurance, or the Minister of Health.

(3) Where any pension which is not specified in the First Schedule to this Act falls by virtue of subsection (1) of section eight of this Act to be treated as if it were so specified, the foregoing provisions of this paragraph shall apply thereto as if it were so specified.

(4) Any regulations under sub-paragraph (1) of this paragraph shall be made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament, and may be made so as to take effect from such date, whether before or after the making of the regulations, as may be specified therein, not being earlier than the appointed day.

Section 2

THIRD SCHEDULE

AMENDMENT OF ACT OF 1920

For paragraph 1 of the Schedule to the Act of 1920 there shall be substituted the following paragraph, that is to say—

“ 1.—(1) Subject to the provisions of this Schedule, an existing pension may be increased—

- (a) where it does not exceed twenty-five pounds a year, by seventy per cent. ;
- (b) where it exceeds twenty-five but does not exceed fifty pounds a year, by sixty-five per cent. ;
- (c) where it exceeds fifty but does not exceed one hundred pounds a year, by fifty per cent. ;
- (d) where it exceeds one hundred but does not exceed one hundred and thirty pounds a year, by forty per cent. ;
- (e) where it exceeds one hundred and thirty pounds a year, by thirty per cent. or sixty pounds a year, whichever is the less.

(2) If the amount to which a pension may be increased under the foregoing sub-paragraph is less than the amount to which a smaller pension might be increased, it may be increased to the latter amount.

(3) Subject to the last foregoing sub-paragraph, where the service, or branch of the service, from which the pensioner retired

is a service or branch of the service in which additional remuneration by way of bonus was paid on the first day of July, nineteen hundred and twenty-three, and was reckoned for the purposes of pension, either in whole or in part, in the case of persons retiring from the said service or branch on that date, his pension shall not be increased—

- (a) by virtue of paragraph (a) or (b) of sub-paragraph (1) of this paragraph, by more than fifty per cent. ; or
- (b) by virtue of paragraph (c) of that sub-paragraph, by more than forty per cent.,

except to such extent as may be sufficient to increase his pension to the pension of which he would have been in receipt on the second day of July, nineteen hundred and twenty-three, had that bonus been included amongst the salary and emoluments on which his pension was awarded and been reckoned for the purposes of pension to the extent to which it would have been reckoned if he had retired on the said first day of July.”

3RD SCH.
—cont.

FOURTH SCHEDULE

Sections 3, 4.

ADDITIONAL PENSIONS WHICH MAY BE INCREASED UNDER ACTS OF 1944 AND 1947 OR ACT OF 1952

PART I

Pensions to be included in Part I of First Schedule to Act of 1944 and to Act of 1952

1. A pension payable under the Eighth Schedule to the Government of Ireland Act, 1920.
2. A pension payable under the Pensions (Governors of Dominions, &c.) Acts, 1911 to 1947 (so, however, that no such pension shall be increased under the Acts of 1944 and 1947 unless it began before the eighteenth day of December, nineteen hundred and forty-seven).
3. A pension payable under section nine of the County Courts Act, 1934.
4. A pension payable under section twenty of the Sheriff Courts (Scotland) Act, 1907.
5. A pension payable under the Police Magistrates (Superannuation) Acts, 1915 and 1929.
6. A pension payable under the Judges Pensions (India and Burma) Act, 1948.
7. A pension payable under subsection (3) of section one of the Scottish Land Court Act, 1938.
8. A pension payable under the Diplomatic Salaries, &c. Act, 1869.

PART II

Pensions to be included in Part I of First Schedule to Act of 1952

A pension payable under rule 7 or rule 10 of the National Insurance and Civil Service (Superannuation) Rules, 1948.

PART III

Pensions to be included in Part II of First Schedule to Act of 1944 and to Act of 1952

A pension payable under section six of the Coroners (Amendment) Act, 1926.

Section 13.

FIFTH SCHEDULE
ENACTMENTS REPEALED

Session and Chapter	Short title	Extent of Repeal
10 & 11 Geo. 5. c. 36.	The Pensions (Increase) Act, 1920.	Paragraph (3) of section two; paragraph (c) of section four; and in subsection (1) of section seven the definition of "means". Section one.
14 & 15 Geo. 5. c. 32.	The Pensions (Increase) Act, 1924.	Section one.
7 & 8 Geo. 6. c. 21.	The Pensions (Increase) Act, 1944.	In section one, the proviso to subsection (1), and subsection (5); in section three, subsection (1), in subsection (4) the words "the means of any pensioner or", and paragraph (d) of subsection (5); subsection (2) of section eight; and in the Second Schedule, paragraphs 4, 5 and 6.
10 & 11 Geo. 6. c. 7.	The Pensions (Increase) Act, 1947.	Subsection (1) of section one; in subsection (2) of section one, in the substituted paragraph 2, the words "Where a pensioner is married or has at least one dependant, then", the words "but does not exceed three hundred and ninety pounds a year", the word "and" at the end of sub-paragraph (d), and sub-paragraph (e), and the substituted paragraph 3; subsection (2) of section two; and section four.
15 & 16 Geo. 6. and 1 Eliz. 2. c. 45.	The Pensions (Increase) Act, 1952.	Subsection (2) of section one; in section four, in subsection (2) the words "the means of any pensioner or" and subsection (5); in the Second Schedule, in paragraph 1 the words "(a) where the pensioner is married or has at least one dependant", sub-paragraph (b), in the heading to the second column of the Table the words "where pensioner is married or has at least one dependant," and the third column of the Table, paragraph 3, sub-paragraph (b) of paragraph 5, in paragraph 7 the words from "and payable" to "income", and in paragraph 8 the words from "payable to" to "income"; and in the Third Schedule the entries relating to subsection (5) of section one, subsection (1) of section three and subsection (2) of section eight of the Act of 1944.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Diplomatic Salaries, &c. Act, 1869	32 & 33 Vict. c. 43.
Police Act, 1890	53 & 54 Vict. c. 45.
Sheriff Courts (Scotland) Act, 1907	7 Edw. 7. c. 51.
Special Constables Act, 1914	4 & 5 Geo. 5. c. 61.
Pensions (Increase) Act, 1920	10 & 11 Geo. 5. c. 36.
Government of Ireland Act, 1920	10 & 11 Geo. 5. c. 67.
Police Pensions Act, 1921	11 & 12 Geo. 5. c. 31.
Pensions (Increase) Act, 1924	14 & 15 Geo. 5. c. 32.
Fire Brigade Pensions Act, 1925	15 & 16 Geo. 5. c. 47.
Teachers (Superannuation) Act, 1925	15 & 16 Geo. 5. c. 59.
Coroners (Amendment) Act, 1926	16 & 17 Geo. 5. c. 59.
Finance Act, 1932	22 & 23 Geo. 5. c. 25.
County Courts Act, 1934	24 & 25 Geo. 5. c. 53.
Old Age Pensions Act, 1936	26 Geo. 5 & 1 Edw. 8. c. 31.
Scottish Land Court Act, 1938	1 & 2 Geo. 6. c. 31.
Pensions (Increase) Act, 1944	7 & 8 Geo. 6. c. 21.
Finance (No. 2) Act, 1945	9 & 10 Geo. 6. c. 13.
Police (Overseas Service) Act, 1945	9 & 10 Geo. 6. c. 17.
Superannuation Act, 1946	9 & 10 Geo. 6. c. 60.
Finance Act, 1946	9 & 10 Geo. 6. c. 64.
National Insurance Act, 1946	9 & 10 Geo. 6. c. 67.
Education (Scotland) Act, 1946	9 & 10 Geo. 6. c. 72.
National Health Service Act, 1946	9 & 10 Geo. 6. c. 81.
Pensions (Increase) Act, 1947	10 & 11 Geo. 6. c. 7.
National Health Service (Scotland) Act, 1947	10 & 11 Geo. 6. c. 27.
Fire Services Act, 1947	10 & 11 Geo. 6. c. 41.
Police Pensions Act, 1948	11 & 12 Geo. 6. c. 24.
Superannuation (Miscellaneous Provisions) Act, 1948.	11 & 12 Geo. 6. c. 33.
Judges Pensions (India and Burma) Act, 1948	12, 13 & 14 Geo. 6. c. 4.
Superannuation Act, 1949	12, 13 & 14 Geo. 6. c. 44.
Administration of Justice (Pensions) Act, 1950	14 & 15 Geo. 6. c. 11.
Pensions (Increase) Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2. c. 45.
Royal Irish Constabulary (Widows' Pensions) Act, 1954.	2 & 3 Eliz. 2. c. 17.
Pensions (India, Pakistan and Burma) Act, 1955	3 & 4 Eliz. 2. c. 22.
Police (Scotland) Act, 1956	4 & 5 Eliz. 2. c. 26.

CHAPTER 40

An Act to authorise local authorities in Scotland to contribute to the expenses incurred by frontagers and others in connection with the construction, maintenance or making up of private streets, new streets and footways. [17th May, 1956]

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:—

Power of local authority to contribute to street works.

1.—(1) A local authority may, if they think fit, at any time contribute the whole or a portion of the expenses incurred in connection with the execution after the passing of this Act of any such street works as are referred to in any of the following enactments, that is to say—

55 & 56 Vict.
c. 55.

(a) sections one hundred and thirty-three to one hundred and thirty-seven of the Burgh Police (Scotland) Act, 1892 (which relate to the making up of private streets and the footways thereof);

(b) sections one hundred and forty-one and one hundred and forty-two of the said Act of 1892 (which relate to the construction and making up of footways of streets);

(c) sections one hundred and fifty and one hundred and fifty-one of the said Act of 1892 (which relate to the construction of new streets);

60 & 61 Vict.
c. 38.

(d) section thirty-nine of the Public Health (Scotland) Act, 1897 (which relates to the making up of private streets and footways in special scavenging districts);

3 Edw. 7. c. 33.

(e) section sixteen of the Burgh Police (Scotland) Act, 1903 (which relates to the construction of footways of private streets):

Provided that a local authority shall not make a contribution under this subsection to any person unless, having regard to all the circumstances of the case, including the financial circumstances of that person, they are satisfied that it is inequitable that he should bear the whole of the expenses incurred by him as aforesaid.

(2) A reference in the foregoing subsection to any enactment shall be construed as a reference to that enactment as amended by any other enactment and shall include a reference to that enactment as extended or applied by or under any other enactment.

(3) A local authority shall not make a contribution under this section towards any expenses incurred in connection with the execution of works in any street unless they are satisfied that the execution of those works is in the interest of public safety or that the street will be used as a public thoroughfare.

(4) In this section the expression "local authority" means a county council or a town council other than the town council of a county of a city.

2. This Act may be cited as the Local Government (Street Short title. Works) (Scotland) Act, 1956.



CHAPTER 41

Solicitors (Amendment) Act, 1956

ARRANGEMENT OF SECTIONS

Section

1. Increase of annual contribution to Compensation Fund.
2. Qualifications for admission as solicitor.
3. Registrar of solicitors.
4. Admission of persons as solicitors.
5. Issue of practising certificates.
6. Dating and expiry of practising certificates.
7. Suspension of practising certificates.
8. Provisions relating to proceedings before the disciplinary committee or court.
9. Power of Council to deal with property of certain solicitors.
10. Miscellaneous provisions with respect to removal from or striking off and replacement on roll.
11. Proceedings against solicitors' clerks who are not solicitors.
12. Power of Society to discharge articles in certain cases.
13. Remuneration of solicitors.
14. Qualification for office of solicitors who have been barristers.
15. Provisions as to Committees of Council and membership of Law Society.
16. Council to act on behalf of Society.
17. Certain powers to be exercisable by statutory instrument.
18. Interpretation.
19. Citation, repeals, commencement and extent.

SCHEDULES:

- First Schedule—Consequential amendments of enactments.
Second Schedule—Enactments repealed.

An Act to amend the enactments relating to solicitors and for purposes connected therewith.

[17th May, 1956]

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:—

Increase of annual contribution to Compensation Fund.

1. In subsection (3) of section two of the Act of 1941 (which relates to the annual contribution to the Compensation Fund to be paid by a solicitor on the issue to him of a practising certificate) for the words "a contribution of five pounds or such less sum as the Council may from time to time determine" there shall be substituted the words "a contribution of such sum not exceeding ten pounds as the Council may from time to time determine".

Qualifications for admission as solicitor.

2.—(1) No person shall be admitted as a solicitor unless he has satisfied the Society that he has complied with such requirements as the Society may by regulations, made with the concurrence of the Lord Chancellor, the Lord Chief Justice, and the Master of the Rolls, prescribe with respect to—

- (a) service under articles of clerkship;
- (b) attendance at a course of legal education; and
- (c) the passing of examinations,

and unless the Society are also satisfied as to that person's moral fitness to be an officer of the Supreme Court:

Provided that this subsection and any regulations made thereunder shall have effect subject to the provisions of—

- (i) section twenty-two of the principal Act (which provides that the default of a solicitor in certain respects is not to disqualify his articled clerk for admission as a solicitor);
- (ii) section thirty-five of the principal Act (which relates to the admission as solicitors of the Supreme Court of solicitors of certain other superior Courts); and
- (iii) subsection (3) of section twenty of the Justices of the Peace Act, 1949 (which relates to the admission as solicitors of certain persons who have served as assistant to a justices' clerk).

(2) Regulations under the foregoing subsection may make different provision for different circumstances and may include provision for the charging by the Society, and the application, of fees.

(3) Without prejudice to any provision of the Solicitors Acts or of this Act, the Society may by regulations made as aforesaid make provision with respect to the taking and retaining of articulated clerks by solicitors and the conduct, duties and responsibilities towards one another of the parties to articles.

(4) The enactments mentioned in the First Schedule to this Act shall have effect subject to the amendments respectively specified in that Schedule, being amendments consequential upon the other provisions of this section.

(5) 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 that Part of that Schedule.

(6) This section shall come into operation on such day as the Lord Chancellor may by order made by statutory instrument appoint.

3. The duties imposed by the Solicitors Acts on the registrar of solicitors and immediately before the commencement of this Act required by section one of the principal Act to be performed by the Society shall become the duties of the Society as such, and accordingly—

- (a) the said section one (which requires the said duties to be performed as aforesaid subject to a power of the Master of the Rolls to appoint another fit person to perform those duties) and paragraph (b) of the proviso to subsection (3) of section four of the Act of 1941 (which relates to the constitution of committees of the Council in the exercise of functions of the registrar) shall cease to have effect;
- (b) for any reference in the said Acts (other than in the said section one) to the registrar there shall be substituted a reference to the Society.

4.—(1) The Master of the Rolls may, if he thinks fit, from time to time delegate to any judge of the High Court the duty of admitting persons to be solicitors, and accordingly in section three of the principal Act (which relates to such admissions)—

- (a) in subsection (1), after the words "Master of the Rolls" in the second place where they occur there shall be inserted the words "or any judge of the High Court whom the Master of the Rolls may by writing under his hand have appointed to act for the time being on his behalf for that purpose", and for the word "he" there shall be substituted the words "the Master of the Rolls";

(b) in subsection (2), after the words “ Master of the Rolls ” there shall be inserted the words “ or by such a judge as aforesaid ”.

(2) In subsection (1) of section thirty-five of the principal Act (which provides that solicitors of certain overseas courts who have been in practice before such a court for not less than three years may on compliance with certain requirements be admitted as solicitors of the Supreme Court) after the word “ may ” there shall be inserted the words “ and a solicitor of such a court who has for not less than three years served bona fide as a clerk to a solicitor in England may with the consent of the Council of the Society ”.

Issue of practising certificates.

5.—(1) In subsection (1) of section thirty-seven of the principal Act (which, as substituted by section five of the Act of 1941, requires an applicant for a practising certificate to deliver a declaration in the form set out in the Second Schedule to the Act of 1941) for so much of paragraph (a) as precedes the proviso there shall be substituted the following—

“ (a) Not less than fourteen days before a solicitor applies for a practising certificate, he shall attend at the Society’s Hall, either in person or by his agent, and deliver a written declaration in such form as the Society may by regulations, made with the concurrence of the Lord Chancellor, the Lord Chief Justice and the Master of the Rolls, prescribe—

(i) specifying the applicant’s full name, place or places of business and date of admission; and

(ii) containing such other particulars as the Society may by such regulations as aforesaid prescribe; and

(iii) signed by the applicant personally ”:

(2) For subsection (3) of the said section thirty-seven (which requires the Society, after the expiration of fourteen days from the delivery of such a declaration as aforesaid, to deliver on demand a practising certificate in the form set out in the Third Schedule to that Act if they are satisfied that the name of the applicant is on the roll) there shall be substituted the following—

“ (3) Application for a practising certificate shall be made in person at the Society’s Hall either by the applicant or by his agent and, subject to the provisions of the next succeeding section, if the Society are satisfied that the name of the applicant is on the roll and that he is not for the time being suspended from practice and that the requirements of subsection (1) of this section have been complied with, they shall thereupon deliver a practising certificate in such form

as the Society may by regulations made with the concurrence of the Lord Chancellor, the Lord Chief Justice and the Master of the Rolls prescribe."

(3) In paragraph (c) of subsection (1) of section thirty-eight of the principal Act, as substituted by section ten of the Act of 1941 (which gives the Society a discretion in certain cases to refuse a practising certificate), after the words "having had his name" there shall be inserted the words "removed from or".

(4) For paragraph (j) of subsection (1) of the said section thirty-eight there shall be substituted the following—

"(j) after having had given against him any judgment which involves the payment of moneys, not being a judgment—

(i) limited to the payment of costs; or

(ii) as to the whole effect of which upon him he is entitled to indemnity or relief from some other person; or

(iii) evidence of the satisfaction of which has been produced to the Society."

(5) The Third Schedule to the principal Act and section six of, and the Second Schedule to, the Act of 1941 shall cease to have effect.

6.—(1) In subsection (1) of section forty-one of the principal Act (which makes provision as to the dating of practising certificates), for the words "between the fifteenth day of November and the sixteenth day of December" there shall be substituted the words "after the fifteenth day of November and before the sixteenth day of December".

Dating and expiry of practising certificates.

(2) Every practising certificate shall expire at the end of the fifteenth day of November next after it is issued:

Provided that where the name of any solicitor is removed from or struck off the roll, the practising certificate (if any) of that solicitor for the time being in force shall expire forthwith.

7.—(1) The making by the disciplinary committee or the court of an order suspending a solicitor from practice shall operate to suspend the practising certificate (if any) of that solicitor for the time being in force, and that suspension shall continue in operation until the certificate expires or the suspension is terminated by order of the Society or of the Master of the Rolls by virtue of the next following subsection.

Suspension of practising certificates.

(2) Where a solicitor's practising certificate is suspended under the foregoing subsection and the period of the solicitor's suspension from practice expires before the expiry of that certificate,

subsections (2) and (3) of section twelve of the Act of 1941 (which provide for the termination of suspensions of practising certificates under section eleven of that Act or under section thirty-eight of the principal Act) shall apply in relation to that suspension of his certificate as they apply in relation to suspensions under the said sections eleven and thirty-eight.

(3) Where a solicitor's practising certificate has been suspended under subsection (1) of this section by reason of his suspension from practice, and the suspension of his practising certificate is terminated unconditionally by virtue of the last foregoing subsection, then, as respects any subsequent practising certificate, notwithstanding paragraph (c) of subsection (1) of the said section thirty-eight, that suspension from practice and the expiry of the period thereof shall cease to operate so as to require that solicitor to give the notice mentioned in that section of his intention to apply for that subsequent certificate or to vest in the Society any discretion with respect to the issue of that subsequent certificate.

(4) At any time while a practising certificate is suspended under the said section eleven or thirty-eight or under subsection (1) of this section, that certificate shall be deemed not to be in force for any of the purposes of the Solicitors Acts or this Act, and for the purposes of Part IV of the principal Act the person named in that certificate shall be deemed—

- (a) to be an unqualified person; and
- (b) not to be a duly certificated solicitor.

Provisions relating to proceedings before disciplinary committee or court.

8.—(1) The disciplinary committee may, for the purpose of hearing and determining applications or complaints under any of the provisions of the Solicitors Acts, sit in two or more divisions and, for the purposes of the hearing and determination of, and the making of an order on, any such application or complaint by such a division, that division shall be deemed to be the committee.

(2) The quorum of the disciplinary committee or a division thereof shall for all purposes be three:

Provided that the decision of the committee or division on an application or complaint may be announced by a single member thereof.

(3) In subsection (1) of section seven of the principal Act (which, among other things, requires an order made by the disciplinary committee to be signed by their chairman) after the word "Chairman" there shall be inserted the words "or by some other member of the Committee authorised by the Committee in that behalf".

(4) The proviso to subsection (1) of section six of the principal Act (which relates to the quorum of the disciplinary committee) and section two of the Act of 1939 (which provides that the disciplinary committee may sit in two or more divisions for the purposes of applications under Part I of the principal Act) shall cease to have effect.

(5) In section twelve of the Act of 1936 (which extends the time for instituting proceedings in respect of certain offences), after the words "proceedings in respect of" there shall be inserted the words "an offence under section forty-six of the principal Act (which relates to a person who, not having in force a practising certificate, pretends to be a solicitor) or".

(6) In the following provisions, that is to say—

- (a) section eight of the principal Act (which relates to appeals against certain orders of the disciplinary committee);
- (b) subsection (7) of section sixteen of the Act of 1941 (which relates to appeals against orders of the disciplinary committee under that section); and
- (c) paragraph 6 of the First Schedule to the Act of 1941 (which relates to applications to the High Court or to a judge thereof under that Schedule),

for any reference to rules or regulations made from time to time by the Master of the Rolls with the concurrence of the Lord Chancellor and the Lord Chief Justice or (in the case of difference) of one of them there shall be substituted a reference to rules of court:

Provided that any rules or regulations made by the Master of the Rolls as aforesaid and in force immediately before the commencement of this Act shall continue to have effect for the purposes of the provision in question until revoked by rules of court made by virtue of this section as if they were rules of court so made.

9.—(1) Where the name of any solicitor is removed from or struck off the roll or any solicitor is suspended from practice, that solicitor shall within twenty-one days of the material date satisfy the Council that he has made suitable arrangements for making available to his clients, or to some other solicitor or solicitors instructed by his clients or by himself—

Power of Council to deal with property of certain solicitors.

- (a) all deeds, wills, documents constituting or evidencing the title to any property, papers, books of account, records, vouchers and other documents in his or his firm's possession or control, or relating to any trust of which he is sole trustee or co-trustee only with one or more of his partners, clerks or servants; and

- (b) all sums of money due from him or his firm to, or held by him or his firm on behalf of, his clients, or subject to any such trust as aforesaid;

and if he fails so to satisfy the Council, paragraphs 4 to 6 of the First Schedule to the Act of 1941 (which relate to the production or delivery of documents by, and to payments out of any banking account in the name of, certain solicitors) shall apply in relation to that solicitor notwithstanding that the Council have not reasonable ground for believing or are not satisfied that he has been guilty of any such dishonesty as is mentioned in section two of that Act.

(2) In this section the expression "the material date" means whichever is the latest of the following dates, that is to say—

- (a) the date when the order of the disciplinary committee or of the court by or in pursuance of which the solicitor's name is removed from or struck off the roll or the solicitor is suspended from practice is to take effect;
- (b) the last date on which an appeal against that order may be lodged;
- (c) the date on which any such appeal is dismissed or abandoned;

and the expressions "trust" and "trustee" have the same meanings as in the Act of 1941.

Miscellaneous provisions with respect to removal from or striking off and replacement on roll.

10.—(1) For the avoidance of doubt it is hereby declared that an application by any person to require a solicitor to answer allegations contained in an affidavit, whether that application is made to the disciplinary committee or to the High Court, may be treated as an application to strike the name of that solicitor off the roll on the grounds of the matters alleged; and accordingly in paragraph (ii) of section nine of the principal Act (which relates to procedure upon applications to the High Court) the words "or, as the case may be, that the solicitor do answer the allegations contained in the affidavit" shall be omitted.

(2) For the avoidance of doubt it is hereby declared that subsection (1) of section nine of the Act of 1936 (which requires the Society to enter on the roll a note of an order of the High Court or Court of Appeal that the name of a solicitor be removed from or struck off the roll) applies to all such orders by the High Court or Court of Appeal, and accordingly in that subsection the words "on an application made by any person under the principal Act" shall be omitted.

(3) Subsection (2) of section thirteen of the principal Act (which provides for the payment of a fee in certain cases where a name which has been removed from or struck off the roll is

ordered to be replaced thereon) shall apply in all such cases, and accordingly in that subsection the words from the beginning to "section fifty-one of this Act" shall be omitted.

11.—(1) For paragraph (a) of subsection (1) of section sixteen of the Act of 1941 (which enables proceedings before the disciplinary committee to be taken against a solicitor's clerk who is not himself a solicitor) there shall be substituted the following:—

Proceedings
against
solicitors'
clerks who
are not
solicitors.

"(a) Where a person who is or was a clerk to a solicitor but is not himself a solicitor has been convicted—

(i) of larceny, embezzlement or fraudulent conversion; or

(ii) of any other criminal offence in respect of any money or property belonging to or held or controlled by the solicitor by whom he is or was employed or any client of that solicitor; or"

(2) At the end of the said section sixteen there shall be added the following subsection:—

"(11) For the purposes of this section—

(a) an order under Part I of the Criminal Justice Act, 1948, placing a person on probation or discharging him absolutely or conditionally shall, notwithstanding anything in section twelve of that Act, be deemed to be a conviction of the offence for which the order was made; and

(b) the death of a solicitor against whom an application or complaint might have been made to the disciplinary committee under any enactment shall not prevent an application being made by or on behalf of the Society to the disciplinary committee in respect of a person who was a clerk to that solicitor but is not himself a solicitor, and who is alleged to have been a party to any act or default of that solicitor".

12. If—

(a) in contravention of section seventeen of the principal Act, any solicitor has more than two articled clerks at the same time; or

Power of
Society to
discharge
articles in
certain cases.

(b) in contravention of section eighteen of the principal Act, any solicitor takes or retains any articled clerk after he has ceased to practise as a solicitor or while the solicitor is employed as a clerk by another solicitor; or

(c) in contravention of subsection (1) of section one of the Act of 1936, a solicitor who has not at any time been

in continuous practice as a solicitor for a period of five years takes an articled clerk without the special leave in writing of the Society; or

- (d) a solicitor takes an articled clerk in contravention of a prohibition for the time being in force under section fourteen of the Act of 1941; or
- (e) any allegation is made to the Council as to the moral unfitness of an articled clerk to be an officer of the Supreme Court, and the Council, after inquiring into that allegation, are satisfied that the clerk is morally unfit to be such an officer,

the Society may of their own motion discharge the articles of any such articled clerk upon such terms, including terms as to return of premium, as they think fit.

**Remuneration
of solicitors.**

13.—(1) For the purposes of the remuneration of a solicitor, his bill of costs may include costs payable in discharge of a liability properly incurred by the solicitor on behalf of the party to be charged with the bill (including counsel's fees) notwithstanding that those costs have not been paid before the delivery to that party of that bill:

Provided that—

- (a) those costs shall be described in the bill as not then paid;
- (b) if the bill is referred to taxation, the taxing officer shall not allow those costs unless they have been paid before the taxation is completed.

Order LXV rule 27 regulation (29A) of the Rules of the Supreme Court, 1883, and rule 4 of the Rules of the Supreme Court (No. 1) 1936 (which amends that regulation) are hereby revoked.

(2) For the purposes of the remuneration of a solicitor in respect of contentious business done by him, where that remuneration is not the subject of such an agreement as is mentioned in section fifty-nine of the principal Act, the solicitor's bill of costs may at the option of the solicitor be for a gross sum instead of containing detailed items:

Provided that—

- (a) at any time before the service upon him of a writ or other originating process for the recovery of costs included in a gross sum bill, and before the expiration of three months from the date of the delivery to him of that bill, the party chargeable therewith may require the solicitor to deliver to him in lieu thereof a bill containing detailed items, and the gross sum bill shall thereupon be of no effect;

- (b) where an action is commenced on a gross sum bill the court shall, if so requested by the party chargeable therewith before the expiration of one month from the service on that party of the writ or other originating process, order that the bill shall be taxed;
- (c) if a gross sum bill is referred to taxation, whether under this subsection or otherwise, nothing in this subsection shall prejudice any rules of court with respect to taxation, and the solicitor shall furnish the taxing officer with such details of any of the costs covered by the bill as the taxing officer may require.

(3) If, in the case of a solicitor's bill of costs for non-contentious business, not less than half of the amount of the bill before taxation consists of costs for which no scale charge is provided by an order for the time being in operation under section fifty-six of the principal Act, subsection (5) of section sixty-six of that Act (which provides that if on taxation of a bill one-sixth of the amount of the bill is taxed off, the solicitor shall pay the costs of taxation but otherwise the party chargeable shall pay those costs) shall have effect as if for the reference to one-sixth there were substituted a reference to one-fifth.

(4) Except in relation to a bill of costs delivered before the commencement of this Act, in this section and in the principal Act—

- (a) the expression "contentious business" shall mean business done, whether as solicitor or advocate, in or for the purposes of proceedings begun before a court or before an arbitrator appointed under the Arbitration Act, 1950, not being business which falls within the definition of non-contentious or common form probate business contained in subsection (1) of section one hundred and seventy-five of the Supreme Court of Judicature (Consolidation) Act, 1925;
- (b) the expression "non-contentious business" shall mean any business done as a solicitor which is not contentious business as defined by the foregoing paragraph;

and the definitions of the said expressions contained in subsection (1) of section eighty-one of the principal Act shall cease to have effect.

14. Section seventy-two of the principal Act (which relates to the qualifications for holding certain offices of solicitors who have been barristers) shall have effect, in relation to any appointment to such an office made after the commencement of this Act, as if for the words from "that period" onwards there were substituted the words "the period of enrolment of a solicitor who before admission was a barrister shall be deemed to include any

Qualification for office of solicitors who have been barristers.

period after his call to the bar in England during which he is, for the purposes of this section, recognised by the Society as having been, or certified by the Attorney-General as having in his opinion been, in practice or in employment as a barrister”.

Provisions as to Committees of Council and membership of Law Society.

15.—(1) In subsection (3) of section four of the Act of 1941 (which provides that committees of the Council may include persons who are not members of the Council), for paragraph (a) of the proviso there shall be substituted the following:—

“(a) at least one-half of the members of any committee (including the Chairman thereof) shall be members of the Council; and

(aa) if more than one-third of the members of any committee are not members of the Council, no resolution of that committee shall be duly passed unless a majority of the members of the Council present shall have voted in favour of it.”

(2) In subsection (1) of section three of the Act of 1941 (which provides for compulsory membership of the Society in certain circumstances) for the words “the annual subscription payable for the time being by members of the Society” there shall be substituted the words “the annual subscription which is or would be payable by him under subsection (6) of this section as a member of the Society”.

(3) In subsection (4) of the said section three (which enables non-practising solicitors to become members of the Society) for the words “the annual subscription in accordance with any bye-law or regulation of the Society” there shall be substituted the words “the annual subscription payable by him under subsection (6) of this section as a member of the Society”.

(4) In subsection (7) of the said section three (which provides that a member of the Society whose name is removed from or struck off the roll by an order of the disciplinary committee under the disciplinary enactments shall thereupon cease to be a member) the words “by an order of the Disciplinary Committee under the disciplinary enactments” shall cease to have effect.

Council to act on behalf of Society.

16. All acts or regulations authorised or required to be done or made by the Society under or in pursuance of this Act or of any regulations made thereunder may be done or made on behalf of the Society by the Council.

Certain powers to be exercisable by statutory instrument.

17.—(1) The power conferred on the Treasury by paragraph (h) of subsection (2) of section four of the Solicitors Act, 1933, to prescribe revenues or funds for the purposes of that subsection (which exempts officers whose remuneration is defrayed out of certain funds from compliance with rules of the Council with

respect to solicitors' accounts) shall be exercisable from time to time by order made by statutory instrument.

(2) The powers to make rules conferred by section six of the principal Act and subsection (6) of section sixteen of the Act of 1941 (which relate to the procedure of the disciplinary committee) shall be exercisable by statutory instrument.

(3) For the removal of doubt, it is hereby declared that the power to make orders conferred by section fifty-six of the principal Act (which relates to the remuneration of solicitors in respect of non-contentious business) is exercisable by statutory instrument.

(4) The Statutory Instruments Act, 1946, shall apply to a statutory instrument containing such rules as are mentioned in subsection (2) of this section or such an order as is mentioned in the last foregoing subsection in like manner as if the rules or order had been made by a Minister of the Crown.

18.—(1) In this Act—

“ the principal Act ” means the Solicitors Act, 1932;

“ the Act of 1936 ” means the Solicitors Act, 1936;

“ the Act of 1939 ” means the Solicitors (Disciplinary Committee) Act, 1939;

“ the Act of 1941 ” means the Solicitors Act, 1941;

“ the Solicitors Acts ” means the Solicitors Acts, 1932 to 1950;

Interpretation.

and, save where the context otherwise requires, expressions used both in this Act and in the principal Act have the same meanings as in the principal Act.

(2) Save where the context otherwise requires, references in this Act to any enactment shall be construed as references to that enactment as amended by or under any other enactment, including any enactment contained in this Act.

19.—(1) This Act may be cited as the Solicitors (Amendment) Act, 1956.

Citation,
repeals, com-
mencement
and extent.

(2) This Act and the Solicitors Acts, 1932 to 1950, may be cited together as the Solicitors Acts, 1932 to 1956.

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

(4) The provisions of this Act other than section two thereof shall come into operation on the first day of November nineteen hundred and fifty-six.

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

SCHEDULES

FIRST SCHEDULE

Section 2.

CONSEQUENTIAL AMENDMENTS OF ENACTMENTS

1. In section three of the principal Act, for the words " a certificate of having passed the final examination provided for by this Act " there shall be substituted the words " a certificate that the Society is satisfied as required by subsection (1) of section two of the Solicitors (Amendment) Act, 1956 ".

2. In section twelve of the principal Act—

- (a) for the words " any defect in his articles of clerkship, or in the registration thereof, or in his service thereunder, or " there shall be substituted the words " any failure to comply with any requirements with respect to service under articles of clerkship of regulations made under subsection (1) of section two of the Solicitors (Amendment) Act, 1956, which are applicable in his case, or any defect "; and
- (b) for the words " articles, registration, service, admission or enrolment " there shall be substituted the words " failure or defect ".

3. In section twenty-two of the principal Act, for the words " required by this Act " there shall be substituted the words " required in his case by regulations made under subsection (1) of section two of the Solicitors (Amendment) Act, 1956 ".

4. For subsection (1) of section five of the Act of 1936 there shall be substituted the following—

" (1) If, at any time while a person is serving as an articled clerk to a solicitor, the Society are satisfied on the application either of the solicitor or of the clerk that the articles ought to be discharged, the Society may discharge the articles upon such terms, including terms as to return of premium, as they think fit ".

5. In subsection (3) of section twenty of the Justices of the Peace Act, 1949—

- (a) for the words " paragraph (a) of section fourteen of the Solicitors Act, 1932 " there shall be substituted the words " regulations made under subsection (1) of section two of the Solicitors (Amendment) Act, 1956 ";
- (b) in paragraph (b), for the words " the said Act " there shall be substituted the words " the said regulations ";
- (c) in paragraph (d), for the words " the Solicitors Acts, 1932 to 1941 " there shall be substituted the words " the Solicitors Acts, 1932 to 1956 ".

SECOND SCHEDULE

Sections 2, 19

ENACTMENTS REPEALED

PART I

Repeals under section two of this Act

Session and Chapter	Short Title	Extent of Repeal
22 & 23 Geo. 5. c. 37.	The Solicitors Act, 1932.	Sections fourteen to sixteen; subsection (2) of section eighteen; sections nineteen to twenty-one; section twenty-three; sections twenty-five to thirty-four; in section seventy-three, the words "articles of clerkship"; and the First and Second Schedules.
26 Geo. 5. & 1 Edw. 8. c. 35.	The Solicitors Act, 1936.	Subsection (2) of section one; sections two to four; subsection (2) of section five; and sections six to eight.
3 & 4 Geo. 6. c. 15.	The Solicitors (Emergency Provisions) Act, 1940.	Sections one, three and four; and in section eight the paragraphs commencing respectively with the words "The principal Act", "Solicitors", "The Law Society" and "Articles".
4 & 5 Geo. 6. c. 46.	The Solicitors Act, 1941.	In section fourteen, in subsection (1) the words from "notwithstanding" to "1936", subsection (3), and in subsection (4), the words from "and" onwards; and sections fifteen, twenty-five and twenty-six.

2ND SCH.
—cont.PART II
Miscellaneous Repeals

Session and Chapter	Short Title	Extent of Repeal
22 & 23 Geo. 5. c. 37.	The Solicitors Act, 1932.	Section one; the proviso to subsection (1) of section six; in paragraph (ii) of section nine, the words "or, as the case may be, that the solicitor do answer the allegations contained in the affidavit"; in subsection (2) of section thirteen, the words from the beginning to "fifty-one of this Act"; in subsection (1) of section eighty-one, the paragraphs commencing respectively with the words "contentious business" and "non-contentious business"; and the Third Schedule.
26 Geo. 5. & 1 Edw. 8. c. 35.	The Solicitors Act, 1936.	In subsection (1) of section nine the words "on an application made by any person under the principal Act".
2 & 3 Geo. 6. c. 110.	The Solicitors (Disciplinary Committee) Act, 1939.	Section two.
4 & 5 Geo. 6. c. 46.	The Solicitors Act, 1941.	In subsection (7) of section three the words from "by" to "enactments"; paragraph (b) of subsection (3) of section four; sections six and eight; the Second Schedule; and so much of the Third Schedule as reproduces subsection (3) of section thirty-seven of the principal Act.
12, 13 & 14 Geo. 6. c. 21.	The Solicitors, Public Notaries, &c. Act, 1949.	In subsection (2) of section one the words from "and any" onwards.

— o —

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Supreme Court of Judicature (Consolidation) Act, 1925	15 & 16 Geo. 5. c. 49.
Solicitors Act, 1932	22 & 23 Geo. 5. c. 37.
Solicitors Act, 1936	26 Geo. 5. & 1 Edw. 8. c. 35.
Solicitors (Disciplinary Committee) Act, 1939	2 & 3 Geo. 6. c. 110.
Solicitors Act, 1941	4 & 5 Geo. 6. c. 46.
Criminal Justice Act, 1948	11 & 12 Geo. 6. c. 58.
Justices of the Peace Act, 1949	12, 13 & 14 Geo. 6. c. 101.
Arbitration Act, 1950...	14 Geo. 6. c. 27.

CHAPTER 42

**An Act to amend the law with respect to occasional
licences. [5th July, 1956]**

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) Sections one hundred and twenty-seven and one hundred and twenty-nine of the Licensing Act, 1953 (which prohibit the employment in bars of, and restrict the supply of intoxicating liquor for consumption on the premises to, persons under eighteen in England and Wales) shall apply to the holder of an occasional licence granted under section one hundred and fifty-one of the Customs and Excise Act, 1952, as they apply to the holder of a justices' licence, and to the place where intoxicating liquor is sold under such an occasional licence as they apply to licensed premises of the holder of the occasional licence.

Restrictions on supply of liquor to, and employment of, young persons in connection with occasional licences.
1 & 2 Eliz. 2. c. 53.
15 & 16 Geo. 6. & 1 Eliz 2. c. 44.

(2) Section thirty of the Licensing Act, 1949, and the Intoxicating Liquor (Sale to Persons under Eighteen) Act, 1923 (which make corresponding provision for Scotland) shall apply to the holder of an occasional licence granted as aforesaid as they apply to the holder of a certificate as defined in Part VII of the Licensing (Scotland) Act, 1903, and to the place where exciseable liquor is sold under such an occasional licence as they apply to premises of the holder of the occasional licence in respect of which a certificate as defined in the said Part VII has been granted and is in force.

12, 13 & 14 Geo. 6. c. 59.
13 & 14 Geo. 5 c. 28.
3 Edw. 7. c. 25.

2.—(1) This Act may be cited as the Occasional Licences and Young Persons Act, 1956.

Short title, extent and commencement.

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

(3) This Act shall come into force at the expiration of the period of two months beginning with the date of its passing.



CHAPTER 43

Local Government Elections Act, 1956

ARRANGEMENT OF SECTIONS

Section

1. Synchronization of rural district and parish elections.
2. Provisions consequential on section one of this Act.
3. Wards for rural district elections.
4. Payment of expenses of elections of district and parish councillors.
5. Polls consequent on parish meetings.
6. Computation of time for purposes of elections to fill casual vacancies in certain local government offices.
7. Savings.
8. Short title, interpretation and extent.

SCHEDULES :

First Schedule—Combined Elections.

Second Schedule—Consequential Amendments of Enactments and Provisions for securing simultaneous Retirement of Councillors.

An Act to provide for the simultaneous holding of elections of rural district councillors and parish councillors ; to require the expenses incurred in relation to the holding of elections of parish councillors to be paid by the council of the rural district within which the parish is situate ; to provide for excluding certain days in computing the period of time within which elections to fill casual vacancies occurring in the offices of county, borough and district councillor and elective auditor are required to be held ; and for purposes connected with the matters aforesaid. [5th July, 1956]

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:—

Synchroniza-
tion of rural
district and
parish
elections.

1.—(1) After the year nineteen hundred and fifty-seven, in each of the cases mentioned, with respect to rural parishes, in the first column of the First Schedule to this Act, the elections of rural district and parish councillors mentioned, in relation to that case, in the second and third columns of that Schedule, shall be held in the same year and on the same day, and the councillors whose places are filled by the newly elected councillors shall accordingly retire simultaneously.

(2) In each of the said cases, the polls at the elections which, by virtue of the foregoing subsection, are required to be held simultaneously shall be taken together, and paragraph (c) of subsection (1) of section twenty-nine of the Act of 1949 (which

requires provision to be made by district and parish election rules for the taking together, so far as practicable, of the polls at certain elections of rural district and parish councillors) shall cease to have effect at the end of the said year.

(3) Nothing in this section shall be construed as affecting, in relation to a group of parishes, the requirement imposed by subsection (2) of section fifty of the Act of 1933 that parish councillors shall retire together.

2.—(1) As from the first day of June, nineteen hundred and fifty-seven,—

(a) the Act of 1933, the Act of 1948 and the Act of 1949 shall have effect subject to the amendments specified in Part I of the Second Schedule to this Act, being amendments consequential on the foregoing section; and

(b) the provisions of Part II of that Schedule shall have effect for the purpose of, and in connection with, the securing of compliance with the requirements of that section.

(2) Where the regular retirement of all the rural district councillors elected for a parish, for the several wards of a parish or for a combination of parishes would, apart from this Act, take place in the year nineteen hundred and fifty-nine or the year nineteen hundred and sixty, then, unless the term of office of those councillors is varied by an order under Part II of the Second Schedule to this Act, the parish councillors who are required by this Act to retire simultaneously with the first-mentioned councillors shall, instead of retiring in the year nineteen hundred and fifty-eight, continue in office until the twentieth day of May in the year nineteen hundred and fifty-nine or the year nineteen hundred and sixty, as the case may be, or, if that day is a bank holiday or day appointed for public thanksgiving or mourning, the first day thereafter which is not a Sunday, bank holiday or day so appointed.

3. A rural parish divided into parish wards shall not, for the purpose of the first ordinary election held after the year nineteen hundred and fifty-seven of councillors for the rural district within which the parish is situate or any subsequent election of such councillors, be divided into wards any one of which is not co-extensive with a parish ward or a combination of parish wards.

4.—(1) The council of an urban district shall pay all expenses properly incurred in relation to the holding of an election of urban district councillors for the district, not exceeding such scale as may be fixed by the county council, so far as the scale is applicable.

(2) The council of a rural district shall pay—

- (a) all expenses properly incurred in relation to the holding of an election of rural district councillors for the district, not exceeding such scale as may be fixed by the county council, so far as the scale is applicable; and
- (b) all expenses properly incurred in relation to the holding of—

- (i) an election of parish councillors for a parish within the district which has a separate parish council; and

- (ii) an election, for a parish within the district which is grouped under a common parish council with a neighbouring parish or parishes (whether within or outside the district), of the separate representatives on that council for the first-mentioned parish,

not exceeding in either case such scale as may be fixed by the county council, so far as the scale is applicable;

and all such expenses as are mentioned in paragraph (b) of this subsection shall be defrayed as special expenses separately chargeable on the parish in question.

(3) Where the poll at an election of rural district councillors is taken together with the poll at an election of parish councillors, one half of the cost of taking the combined polls shall be treated as attributable to the holding of each election.

(4) The foregoing provisions of this section shall have effect in lieu of subsection (4) of section twenty-nine of the Act of 1949 as respects every election of urban district councillors, rural district councillors or parish councillors, being an election the day of which falls on or after the first day of November, nineteen hundred and fifty-six.

Polls
consequent
on parish
meetings.

5.—(1) For sub-paragraph (5) of paragraph 5 of Part VI of the Third Schedule to the Act of 1933 (which relates to the taking of a poll consequent on a parish meeting) there shall be substituted the following sub-paragraph:—

“(5) A poll consequent on a parish meeting shall be taken by ballot in accordance with rules made by the Secretary of State, and the provisions of the local elections rules in the Second Schedule to the Representation of the People Act, 1949, and of the enactments mentioned in subsection (1) of section one hundred and sixty-five of that Act shall, subject to any adaptations, alterations or exceptions made by the first-mentioned rules, apply in the case of a poll so taken as if it were a poll for the election of parish councillors.

Rules made under this sub-paragraph shall be laid before each House of Parliament as soon as may be after they are made.”

(2) Sub-paragraph (3) of paragraph 5 of the Eighth Schedule to the Act of 1949 (which amends the said sub-paragraph (5) as originally enacted) shall cease to have effect.

- 6.—(1) In computing the period of thirty days within which—
- (a) an election to fill a casual vacancy occurring in the office of county councillor, councillor of a borough or district councillor outside the administrative county of London is required by subsection (1) of section sixty-seven of the Act of 1933 to be held;
- (b) an election to fill a casual vacancy occurring in the office of London county councillor or metropolitan borough councillor is required by subsection (1) of section forty-two of the London Government Act, 1939, to be held; or
- (c) an election to fill a casual vacancy occurring in the office of elective auditor is required by virtue of subsection (4) of section two hundred and thirty-eight of the Act of 1933 to be held;

Computation of time for purposes of elections to fill casual vacancies in certain local government offices.

a Sunday, Christmas Day, Good Friday, bank holiday or day appointed for public thanksgiving or mourning and the Saturday before and the Tuesday after Easter Day or Whit Sunday shall be disregarded.

(2) This section shall come into operation on the first day of November, nineteen hundred and fifty-six:

Provided that this section shall not apply to any such period as is mentioned in the foregoing subsection which has begun before that day.

7.—(1) Any scale of expenses fixed, or having effect as if fixed, under subsection (4) of section twenty-nine of the Act of 1949, being a scale in force immediately before the first day of November, nineteen hundred and fifty-six, shall continue in force and have effect as if fixed under section four of this Act. Savings.

(2) Any rules having effect by virtue of sub-paragraph (5) of paragraph 5 of Part VI of the Third Schedule to the Act of 1933, being rules in force immediately before the passing of this Act, shall continue in force and have effect as if made under the sub-paragraph substituted for the said sub-paragraph (5) by subsection (1) of section five of this Act.

(3) Any order or direction made or given, or having effect as if made or given, under any provision of section thirty-five of the Act of 1933, being an order or direction in force immediately before the first day of June, nineteen hundred and fifty-seven, shall, so far as it could have been made or given under any provision of the sections substituted for the said section thirty-five by paragraph 1 of the Second Schedule to this Act, continue in force and have effect as if made or given under that provision.

Short title,
interpretation
and extent.

8.—(1) This Act may be cited as the Local Government Elections Act, 1956.

(2) In this Act—

(a) the expressions “ the Act of 1933 ”, “ the Act of 1948 ” and “ the Act of 1949 ” mean, respectively, the Local Government Act, 1933, the Representation of the People Act, 1948, and the Representation of the People Act, 1949;

(b) references to the Act of 1933 shall be construed as references to that Act as amended by any subsequent enactment (including, except where the context otherwise requires, this Act).

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

SCHEDULES

Section 1.

FIRST SCHEDULE

COMBINED ELECTIONS

Case	Elections to be combined	
	Rural district elections	Parish elections
1. Where a rural parish having a separate parish council is neither divided into wards for the purpose of the election of rural district councillors nor combined with one or more other parishes for that purpose.	Ordinary elections of rural district councillors for the parish.	If the parish is not divided into parish wards, ordinary elections of parish councillors for the parish. If the parish is divided into parish wards, ordinary elections of parish councillors for all the wards.
2. Where a rural parish having a separate parish council is divided into wards for the purpose of the election of rural district councillors.	Ordinary elections of rural district councillors for all the wards.	If the parish is not divided into parish wards, ordinary elections of parish councillors for the parish. If the parish is divided into parish wards, ordinary elections of parish councillors for all the wards.
3. Where a rural parish having a separate parish council is combined with one or more other parishes for the purpose of the election of rural district councillors.	Ordinary elections of rural district councillors for the combined parishes.	If the parish is not divided into parish wards, ordinary elections of parish councillors for the parish. If the parish is divided into parish wards, ordinary elections of parish councillors for all the wards.
4. Where a rural parish is grouped under a common parish council with a neighbouring parish or parishes (whether the grouped parishes are within the same rural district or not) and is neither divided into wards for the purpose of the election of rural district councillors nor combined with one or more other parishes for that purpose.	Ordinary elections of rural district councillors for the parish.	If the parish is not divided into parish wards, ordinary elections of the separate representatives for the parish on the common parish council. If the parish is divided into parish wards, ordinary elections of such representatives as aforesaid for all the wards.

1ST SCH.
—cont.

Case	Elections to be combined	
	Rural district elections	Parish elections
5. Where a rural parish is both grouped under a common parish council with a neighbouring parish or parishes (whether the grouped parishes are within the same rural district or not) and divided into wards for the purpose of the election of rural district councillors.	Ordinary elections of rural district councillors for all the wards.	If the parish is not divided into parish wards, ordinary elections of the separate representatives for the parish on the common parish council. If the parish is divided into parish wards, ordinary elections of such representatives as aforesaid for all the wards.
6. Where a rural parish is both grouped under a common parish council with a neighbouring parish or parishes (whether the grouped parishes are within the same rural district or not) and combined with one or more other parishes for the purpose of the election of rural district councillors.	Ordinary elections of rural district councillors for the combined parishes.	If the parish is not divided into parish wards, ordinary elections of the separate representatives for the parish on the common parish council. If the parish is divided into parish wards, ordinary elections of such representatives as aforesaid for all the wards.

Sections 2, 7.

SECOND SCHEDULE

CONSEQUENTIAL AMENDMENTS OF ENACTMENTS AND PROVISIONS
FOR SECURING SIMULTANEOUS RETIREMENT OF COUNCILLORS

PART I

CONSEQUENTIAL AMENDMENTS OF ENACTMENTS

1. For section thirty-five of the Act of 1933 (which provides for the term of office and system of retirement of urban and rural district councillors) there shall be substituted the following sections:—

“ 35.—(1) The councillors of an urban district shall be called ‘ urban district councillors ’.

(2) The councillors for each urban district shall be elected by the local government electors for the district in manner provided by this Act and Part I of the Representation of the People Act, 1949.

(3) The term of office of urban district councillors shall be three years, and one-third, as near as may be, of the whole number of councillors for an urban district or, in the case of an urban

district divided into wards, for each ward, being those who have been district councillors for the longest time without re-election, shall retire in every year on the twentieth day of May:

2ND SCH.
—cont.

Provided that, where a county council, on request made by a resolution of an urban district council, passed by not less than two-thirds of the members voting on the resolution, consider that it would be expedient to provide for the simultaneous retirement of all the councillors for that district, they may by order give directions to that effect, and where an order giving such directions as aforesaid has been made (whether before or after the commencement of this Act), the councillors for that district shall retire together in every third year on the twentieth day of May.

(4) Where any such order has been made with respect to the simultaneous retirement of urban district councillors, the county council may, on the like request, by order rescind the first-mentioned order, and the rescinding order shall provide for all matters necessary or proper for giving effect thereto and, in particular, shall require all the councillors for the district in office at the date thereof to retire on the twentieth day of May next following that date.

(5) The places of urban district councillors who are required by or by virtue of this section to retire on the twentieth day of May in any year shall be filled by the newly elected councillors who shall come into office on that day.

35A.—(1) The councillors of a rural district shall be called ' rural district councillors '.

(2) The councillors for each rural district shall be elected by the local government electors for the district in manner provided by this Act and Part I of the Representation of the People Act, 1949.

(3) The term of office of rural district councillors shall be three years, and the following provisions shall have effect with respect to their retirement, that is to say:—

- (a) in the case of a rural district other than one falling within paragraph (b) or (c) of this subsection, one-third, as near as may be having regard to the provisions of section one of the Local Government Elections Act, 1956, of the whole number of councillors for the district shall retire in every year on the twentieth day of May;
- (b) in the case of a rural district comprising only two rural parishes which are not grouped together under a common parish council but either or both of which has a separate parish council or is grouped under a common parish council with a neighbouring parish or parishes in another rural district, the district councillors representing one of the parishes shall retire together in one year of each triennial period on the twentieth day of May and those representing the other parish shall retire together in another year of that period on the twentieth day of May;

H*

2ND SCH.
—cont.

- (c) in the case of a rural district co-extensive with a rural parish which has a separate parish council or is grouped under a common parish council with a neighbouring parish or parishes in another rural district, or of a rural district comprising only two rural parishes grouped together under a common parish council (whether or not they are so grouped with a neighbouring parish or parishes in another rural district), the district councillors representing that parish or, as the case may be, those parishes shall retire together in every third year on the twentieth day of May:

Provided that, in the case of a rural district the councillors whereof do not regularly retire simultaneously, the county council, if they consider, on request made by a resolution of the rural district council passed by not less than two-thirds of the members voting on the resolution, that it would be expedient to provide for the simultaneous retirement of all the councillors for the district, may by order give directions to that effect, and where an order giving such directions as aforesaid has been made (whether before or after the commencement of this Act), the councillors for that district shall retire together in every third year on the twentieth day of May.

(4) Where any such order has been made with respect to the simultaneous retirement of rural district councillors, the county council may, on the like request, by order rescind the first-mentioned order, and the rescinding order shall provide for all matters necessary or proper for giving effect thereto.

(5) The places of rural district councillors who are required by or by virtue of this section to retire on the twentieth day of May in any year shall be filled by the newly elected councillors who shall come into office on that day.

(6) A county council may, for the purpose of regulating the retirement of rural district councillors in cases where they do not regularly retire simultaneously, direct in which year or years of each triennial period the councillors for each electoral area in the district shall retire:

Provided that—

- (a) no direction shall be given under this subsection which has the effect of specifying different years of retirement for councillors who are required by section one of the Local Government Elections Act, 1956, to retire simultaneously; and
- (b) in exercising their powers under this subsection, the county council shall so far as practicable secure that the councillors who have been district councillors for the longest time without re-election shall retire before the other councillors for the district ”.

2. In subsection (2) of section fifty of the Act of 1933, for the words “ on the fifteenth day of April in the year nineteen hundred and thirty-seven, and on the twentieth day of May in every third year thereafter ”, there shall be substituted the words “ on the twentieth day of May in every third year ”.

3. In section sixty-seven of the Act of 1933, subsections (4) and (5) shall each have effect as if for the words "retire by thirds" there were substituted the words "do not regularly retire simultaneously".

2ND SCH.
—cont.

4. In accordance with paragraphs 1 and 2 of this Schedule—

(a) in paragraph 3 of the Sixth Schedule to the Act of 1948, the words "sections thirty-five and fifty of, and" and the words "the day of retirement of district and parish councillors and"; and

(b) in the Table set out in sub-paragraph (1) of paragraph 5 of the Eighth Schedule to the Act of 1949, the words "Sub-section (2) of section thirty-five";

shall cease to have effect.

PART II

PROVISIONS FOR SECURING SIMULTANEOUS RETIREMENT OF COUNCILLORS

5. In addition to the powers conferred on them by the Act of 1933, a county council shall, for the purpose of securing compliance, as respects rural districts and rural parishes within the county, with the requirements of section one of this Act and the requirements of the Act of 1933 with respect to the retirement of councillors, have power by order—

(a) to direct that any rural district councillors who would, apart from the direction, regularly retire in a particular year shall retire instead in such earlier or later year as may be specified in the order on the twentieth day of May or, if that day is a Sunday, bank holiday or day appointed for public thanksgiving or mourning, the first day thereafter which is none of them; and

(b) to effect any necessary extension or reduction of the term of office of any parish councillors who are required to retire simultaneously with any rural district councillors:

Provided that the power conferred by this paragraph—

(i) shall not be so exercised as to postpone the ordinary day of retirement of a councillor from the year in which, apart from the direction, he would regularly retire to a year other than the next or the next but one; and

(ii) shall not be so exercised as to effect a reduction in the term of office of a councillor unless the county council are satisfied that it is not reasonably practicable to attain the object of the order by extending his term of office.

6. Where an order under the last foregoing paragraph directs that a rural district councillor shall retire in a year later than that in which, apart from the direction, he would have regularly retired and, on the date of the making of the order, there exists in the office of that councillor a casual vacancy to which subsection (3) of section sixty-seven of the Act of 1933 applies, an election to fill the vacancy shall be held under that section as if the vacancy had occurred on that date; and where an order under that paragraph directs that a rural district

2ND SCH.
—cont.

councillor shall retire in a year earlier than that in which, apart from the direction, he would have regularly retired and, on the date of the making of the order, there exists in the office of that councillor a casual vacancy to which, by virtue of the order, that subsection becomes applicable, then if, before the date of the making of the order, the day of election to fill that vacancy has been fixed under that section, the election shall be held as if the order had not been made.

7. Section forty-one of the Act of 1933 (which contains special provisions with respect to the exercise, in relation to a rural district not wholly situate in one county, of the power conferred on county councils by Part I of that Act of regulating the retirement of rural district councillors and of fixing or altering the number of rural district councillors) shall have effect as if the reference to that power included a reference to the power conferred on county councils by this Part of this Schedule.

8. During his term of office the chairman or vice-chairman of a rural district council or parish council whose retirement as a councillor falls to be determined by virtue of the provisions of this Act or an order thereunder shall, notwithstanding those provisions, continue to be a member of the council.

9. A copy of every order made under this Part of this Schedule shall be sent to the Secretary of State and to the Minister of Housing and Local Government.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Local Government Act, 1933	23 & 24 Geo. 5. c. 51.
London Government Act, 1939	2 & 3 Geo. 6. c. 40.
Representation of the People Act, 1948	11 & 12 Geo. 6. c. 65.
Representation of the People Act, 1949	12, 13 & 14 Geo. 6. c. 68.

CHAPTER 44

An Act to amend the law relating to orders of justices of the peace requiring persons to enter into recognisances to keep the peace or be of good behaviour.

[5th July, 1956]

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

1.—(1) Where, under the Justices of the Peace Act, 1361, or otherwise, a person is ordered by a magistrates' court (as defined in the Magistrates' Courts Act, 1952) to enter into a recognisance with or without sureties to keep the peace or to be of good behaviour, he may appeal to a court of quarter sessions.

Right of appeal to quarter sessions.
34 Edw. 3. c. 1.
15 & 16 Geo. 6.
& 1 Eliz. 2.
c. 55.

(2) In the case of an appeal under this section—

(a) the other party to the proceedings which were the occasion of the making of the order shall be the respondent to the appeal;

(b) section two of the Summary Jurisdiction (Appeals) Act, 1933 (which relates to legal aid) and, in relation to an appellant in custody for failure to comply with the order, so much of section thirty-seven of the Criminal Justice Act, 1948, as relates to the release of convicted persons from custody pending an appeal to quarter sessions shall, with the necessary adaptations, apply as if the appeal were an appeal against a conviction.

23 & 24 Geo. 5.
c. 38.
11 & 12 Geo. 6.
c. 58.

(3) Nothing in this section shall apply in relation to any order an appeal from which lies to a court of quarter sessions apart from the provisions of this section.

(4) This section shall not apply to any order made before the expiration of a period of one month beginning with the date of the passing of this Act.

2.—(1) This Act may be cited as the Magistrates' Courts (Appeals from Binding Over Orders) Act, 1956.

Short title and extent.

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

CHAPTER 45*Small Lotteries and Gaming
Act, 1956*

ARRANGEMENT OF SECTIONS

Section

1. Exemption of certain small lotteries conducted for charitable, sporting or other purposes.
2. Registration of societies.
3. Returns to be made by promoters.
4. Exemption of small gaming parties.
5. Supplementary provisions.
6. Short title, commencement and extent.

An Act to authorise the conduct of small lotteries for other than private gain by societies for raising money for charitable, sporting and other purposes and to amend the law with respect to gaming; and for other purposes connected with the matters aforesaid.
[5th July, 1956]

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:—

Exemption of certain small lotteries conducted for charitable, sporting or other purposes.

1.—(1) This section applies to any lottery (not being a lottery which is deemed not to be unlawful by virtue of any other enactment) which is promoted in Great Britain on behalf of a society registered by the local authority under this Act, being a society established and conducted wholly or mainly for one or more of the following purposes, that is to say—

- (a) charitable purposes;
- (b) participation in or support of athletic sports or games or cultural activities;
- (c) purposes not described in the foregoing paragraphs, and not being purposes of private gain or purposes of any commercial undertaking,

and is so promoted for raising money to be applied for purposes of the society.

(2) A lottery to which this section applies shall be deemed not to be an unlawful lottery but the following conditions shall be observed in connection with the promotion and conduct of the lottery, that is to say:—

- (a) the promoter of the lottery shall be a member of the society authorised in writing by the governing body of the society to act as such;

- (b) no remuneration shall be paid in respect of the lottery to the promoter or to any person employed by him in connection therewith who carries on a betting business or is otherwise engaged by way of business in the organisation of betting;
- (c) no prize shall exceed one hundred pounds in amount or value, and no ticket or chance shall be sold at a price exceeding one shilling;
- (d) the whole proceeds, after deducting sums lawfully appropriated on account of expenses or for the provision of prizes, shall be applied to purposes of the society, being purposes described in paragraph (a), (b) or (c) of subsection (1) of this section;
- (e) the amount of the proceeds appropriated on account of expenses shall not exceed the expenses actually incurred, or ten per cent. of the whole proceeds, whichever is the less, and the amount of the proceeds appropriated for the provision of prizes shall not exceed one-half of the whole proceeds;
- (f) the price of every ticket or chance shall be the same, and the price of any ticket shall be stated on the ticket;
- (g) the total value of the tickets or chances sold shall not exceed seven hundred and fifty pounds, and if on any day on which tickets or chances in the lottery are on sale tickets or chances are on sale in another lottery to which this section applies promoted on behalf of the society, the total value of the tickets or chances sold in those lotteries taken together shall not exceed seven hundred and fifty pounds;
- (h) no written notice or advertisement of the lottery shall be exhibited, published or distributed except as follows—
 - (i) a notice or advertisement exhibited on the premises of the society, or published or distributed exclusively to members of the society;
 - (ii) such notice or advertisement as may be contained in the tickets, if any;
- (i) every ticket and every notice or advertisement of the lottery lawfully exhibited, distributed or published, shall specify the name of the society, the name and address of the promoter and the date on which the draw, determination or event by or by reference to which the prize-winners are ascertained will take place ;
- (j) no ticket shall be sent through the post to a person not being a member of the society;
- (k) no person shall be admitted to participate in the lottery in respect of a ticket or chance except after payment to the promoter of the whole price of the ticket or chance, and no money received by the promoter for or on account of a ticket or chance shall in any circumstances be returned;

(l) no payment on account of expenses or prizes shall be made out of moneys of the society not being proceeds of the lottery; and

(m) no ticket or chance shall be sold by or to a person under sixteen years of age.

(3) If any condition required by subsection (2) of this section to be observed in respect of a lottery is contravened, the promoter of the lottery and any other person who is party to the contravention shall be guilty of an offence:

Provided that—

(a) it shall be a defence for a person charged with any offence only by reason of his being the promoter to prove that the contravention took place without his knowledge;

(b) it shall be a defence for any person charged with an offence in respect of an appropriation or payment made in contravention of paragraph (e) or paragraph (l) of the said subsection (2) to prove that the proceeds of the lottery fell short of the sum reasonably estimated, that the appropriation or payment was made in respect of expenses actually incurred or in order to fulfil an unconditional undertaking as to prizes given in connection with the sale of the relevant tickets or chances, and that the total amounts appropriated or paid in respect of expenses and prizes did not exceed the amounts which could lawfully have been appropriated out of the proceeds of the lottery under the said paragraph (e) if the said proceeds had amounted to the sum reasonably estimated.

(4) In this Act “society” includes a club, institution, organisation or association of persons, by whatever name called, and any separate branch or section of such a club, institution, organisation or association.

(5) For the purposes of this section tickets or chances in a lottery shall be deemed to be on sale on each day between the dates on which such tickets or chances are first and last sold, whether or not any such ticket or chance is sold on that day.

**Registration
of societies.**

2.—(1) An application for the registration of a society under this Act shall be made to the local authority in whose area the office or head office of the society is situated, and shall specify the purposes for which the society is established and conducted; and subject to the provisions of this section, the local authority shall, upon application duly made on behalf of a society and on payment of a fee of one pound, register the society in a register to be kept for the purposes of this Act, and notify the society in writing that they have done so.

(2) The local authority may, after giving the society concerned an opportunity of being heard, refuse to register a society under this Act, or revoke the registration under this Act of a society, if it appears to the authority—

- (a) that any person has been convicted of an offence committed in connection with a lottery promoted or proposed to be promoted on behalf of the society, being an offence under this Act or an offence committed after the commencement of this Act under section twenty-two of the Betting and Lotteries Act, 1934; or
- (b) that the society is not or has ceased to be a society on behalf of which lotteries may be promoted under this Act.

(3) Subsections (5) and (6) of section one of the Pool Betting Act, 1954 (which provide for appeal to quarter sessions or, in Scotland, to the sheriff from a refusal of registration or revocation of registration under that section) shall apply in relation to registration under this Act as they apply in relation to registration under that section, and as if for the reference in the said subsection (5) to the place or principal place at which the appellant carries on or is intending to carry on his business there were substituted a reference to the office or head office of the society.

(4) A society which is for the time being registered under this Act may at any time apply to the local authority for the cancellation of the registration; and in any such case the authority shall cancel the registration accordingly.

(5) Every society which is registered under this Act shall pay to the local authority on the first day of January in each year while it is so registered a fee of one pound, and any such fee which remains unpaid after the date on which it becomes payable may be recovered by the authority as a debt.

(6) In this Act "local authority" means, in relation to England and Wales other than London, the council of a county borough or county district, in relation to London, the Common Council of the City of London or the council of a metropolitan borough, and in relation to Scotland, a county council or a town council.

3.—(1) The promoter of a lottery to which section one of this Act applies shall, not later than the end of the third month after the month in which the winners of prizes in the lottery are ascertained, send to the local authority in whose area the office or head office of the society is situated a return certified by two other members of the society, being persons of full age appointed in writing by the governing body of the society, showing—

- (a) the whole proceeds of the lottery;
- (b) the sums appropriated out of those proceeds on account of expenses and on account of prizes respectively;

Returns to
be made by
promoters.

- (c) the particular purpose or purposes to which proceeds of the lottery were applied in pursuance of paragraph (d) of subsection (2) of the said section one, and the amount applied for that purpose, or for each of those purposes, as the case may be; and
- (d) the dates between which tickets or chances in the lottery were sold.

(2) The local authority to whom any return is sent under this section shall preserve the return for a period of at least one year, and during that period shall keep it deposited at their office and permit any member of the public to inspect it during office hours free of charge.

(3) Any person who fails to send a return in accordance with the provisions of this section, or knowingly gives, in any returns sent by him thereunder, any information which is false or misleading, or certifies any return to be sent under this section knowing it to contain any such information, shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds.

Exemption
of small
gaming parties.

4.—(1) This section applies to any entertainment promoted in Great Britain for raising money to be applied for purposes other than purposes of private gain, being an entertainment at which games of chance or of chance and skill combined are played in accordance with the following conditions, that is to say:—

- (a) not more than one payment (whether by way of entrance fee or stake or otherwise) is made by each player in respect of all games played at the entertainment, and no such payment exceeds five shillings;
- (b) not more than one distribution of prizes or awards is made in respect of all games played at the entertainment, and the total value of all prizes and awards distributed in respect of such games does not exceed twenty pounds;
- (c) the whole of the proceeds of such payments as are mentioned in paragraph (a) of this subsection, after deducting sums lawfully appropriated on account of expenses or for the provision of prizes or awards in respect of the games, are applied for purposes other than purposes of private gain;
- (d) the amount of the said proceeds appropriated in respect of expenses does not exceed the reasonable cost of the facilities provided for the purposes of the games.

(2) For the purposes of any enactment or rule of law relating to gaming or gaming houses, a house, room or place shall not be deemed to be a common gaming house, or to be opened, kept or used for playing at any unlawful game or for the purpose of

unlawful gaming, by reason only of its being used for the playing of games at entertainments to which this section applies in accordance with the conditions specified in subsection (1) of this section.

(3) A game played at an entertainment to which this section applies in accordance with the said conditions shall not be deemed to be an unlawful lottery; and nothing in the Betting Acts, 1853 and 1874, shall apply to anything done by any person in connection with the playing of games at such an entertainment in accordance with those conditions.

(4) Where two or more entertainments are promoted on the same premises by the same persons on any day, the conditions specified in subsection (1) of this section shall apply in relation to those entertainments as if they were a single entertainment.

(5) Except as provided by the last foregoing subsection, the conditions specified in subsection (1) of this section shall apply separately to each entertainment which forms part of a series of entertainments whether or not some or all of the persons taking part in any one of the series are thereby qualified to take part in any other; and where each of the persons taking part in the games played at the final entertainment of such a series is qualified to do so by reason of having taken part in the games played at another entertainment of that series held on a previous day (being an entertainment to which this section applies) paragraph (b) of the said subsection (1) shall apply in relation to that final entertainment as if for the words "twenty pounds" there were substituted the words "one hundred pounds".

(6) Nothing in this section shall be construed as affecting the operation of any of the following enactments, that is to say—

- (a) section one hundred and forty-one of the Licensing Act, 1953 (which penalises the holder of a justices' licence who allows gaming or unlawful games in his premises);
- (b) section fifty-three of the Licensing (Scotland) Act, 1903 (which penalises the holder of a certificate within the meaning of that Act in respect of any breach of the terms and conditions of the certificate, including terms and conditions as to permitting unlawful games);
- (c) section thirty-two of the Refreshment Houses Act, 1860 (which penalises the licensee of a refreshment house who allows unlawful games or gaming therein).

5.—(1) The Betting and Lotteries Act, 1934, shall have effect Supplementary provisions. as if sections one and four of this Act were included in Part II of that Act, and were so included after section twenty-two of that Act (which provides a defence in proceedings under that section in respect of lotteries regulated by any subsequent section of the said Part II).

(2) For the purposes of section six of the Finance (No. 2) Act, 1947 (which imposes the pool betting duty) the expression "bet" shall not include the taking of a ticket or chance in a lottery to which section one of this Act applies and in the case of which all conditions specified in paragraphs (b), (c) and (g) of subsection (2) of the said section one are observed.

(3) Any pool betting duty payable in respect of a lottery to which the said section one applies shall be included in the sums which may be deducted from the proceeds to be applied in accordance with paragraph (d) of subsection (2) of that section, but except as aforesaid the references in that section to expenses shall not include references to any such duty.

Short title, commencement and extent.

6.—(1) This Act may be cited as the Small Lotteries and Gaming Act, 1956.

(2) Any reference in this Act to any enactment is a reference thereto as amended by or under any subsequent enactment.

(3) This Act shall come into operation at the expiration of the period of one month beginning with the day on which it is passed.

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



Table of Statutes referred to in this Act

Short Title	Session and Chapter
Refreshment Houses Act, 1860... ..	23 & 24 Vict. c. 27.
Licensing (Scotland) Act, 1903... ..	3 Edw. 7. c. 25.
Betting and Lotteries Act, 1934... ..	24 & 25 Geo. 5. c. 58.
Finance (No. 2) Act, 1947... ..	11 & 12 Geo. 6. c. 9.
Licensing Act, 1953... ..	1 & 2 Eliz. 2. c. 46.
Pool Betting Act, 1954... ..	2 & 3 Eliz. 2. c. 33.



CHAPTER 46*Administration of Justice Act, 1956*

ARRANGEMENT OF SECTIONS

PART I

ADMIRALTY JURISDICTION AND OTHER PROVISIONS AS TO SHIPS

Section

1. Admiralty jurisdiction of the High Court.
2. Admiralty jurisdiction of the Liverpool Court of Passage and county courts.
3. Mode of exercise of Admiralty jurisdiction.
4. Jurisdiction in personam of courts in collision and other similar cases.
5. Wages.
6. Courts in England and Wales not to have jurisdiction in cases falling within Rhine Convention.
7. Repeals and savings.
8. Supplemental and transitional provisions.

PART II

SUPREME COURT OF JUDICATURE

Appointment, etc., of official referees and other officers

9. Appointments of official referees to be made by Her Majesty.
10. Qualifications, etc., of official referees and other officers.
11. Appointment, etc., of deputy district registrars.
12. Appointment, etc., of assistant district registrars.
13. Power of one district registrar to act for another.
14. Number of conveyancing counsel.

Other provisions as to Supreme Court

15. Extension of power to make rules of court, and consequential and connected repeals.
16. Repeal of enactments as to registration, etc., of warrants of attorney, cognovits, and consent judgments.
17. Miscellaneous provisions as to probates and administrations.
18. Repeal of time limit for filing powers of attorney under the Trustee Act, 1925, s. 25.
19. Extension of time for laying Supreme Court accounts before Parliament.
20. Interpretation of Part II.

PART III

COUNTY COURTS

Appointment, etc., of judges and officers

21. Appointments of county court judges to be made by Her Majesty.
22. Temporary appointments of persons to act as judges.
23. Amendment as to appointment of deputy judge.

Section

- 24. Persons capable of acting for registrar.
- 25. Status and pensions of assistant registrars.

Other provisions as to county courts

- 26. Transfer to county court of money recovered in High Court by infants and others.
- 27. Penalty for non-attendance on judgment summons.
- 28. Miscellaneous amendments as to executions.
- 29. Increase of penalties for assaulting officers, rescuing goods seized and contempt of court.
- 30. Extension of powers of registrar as to stay or suspension of judgments and orders and stay of execution.
- 31. Miscellaneous procedural amendments.
- 32. Amendments as to the making of rules and orders.
- 33. Interpretation and citation of Part III.

PART IV

GENERAL PROVISIONS AS TO ENFORCEMENT OF JUDGMENTS AND ORDERS

- 34. Abolition of writs of *elegit* and repeal of enactments imposing charges on land, etc.
- 35. Power of courts to impose charges on land of judgment debtor.
- 36. Receivers.
- 37. Goods protected from seizure in execution.
- 38. Attachment of debts.
- 39. Execution of High Court judgments and orders in county court.
- 40. Effect of registration of judgments of courts outside England and Wales.
- 41. Execution by county court of judgments and orders of inferior courts.
- 42. Execution and enforcement of judgments and orders of the Court of Appeal.
- 43. Application to existing judgments.
- 44. Power to extend Part IV to inferior courts.

PART V

ADMIRALTY JURISDICTION AND ARRESTMENT OF SHIPS IN SCOTLAND

- 45. Jurisdiction in relation to collisions, etc.
- 46. Exclusion of jurisdiction in cases falling within Rhine Convention.
- 47. Arrest of ships on the dependence of an action or in rem.
- 48. Interpretation of Part V.
- 49. Repeals.
- 50. Application and commencement of Part V.

PART VI

MISCELLANEOUS AND SUPPLEMENTAL

- 51. Modification of Foreign Judgments (Reciprocal Enforcement) Act, 1933, in relation to certain parts of Her Majesty's dominions.
- 52. Funds in court in Lancashire Chancery Court.
- 53. Qualifications of Land Registrars.
- 54. Financial provisions.

Section

55. Provisions as to Northern Ireland.
 56. Provisions as to Channel Islands, Isle of Man, colonies, protectorates, etc.
 57. Short title, repeal, extent and commencement.

SCHEDULES :

First Schedule—Provisions applicable to Northern Ireland.

Part I.—Admiralty Jurisdiction and other Provisions as to Ships.

Part II.—Effect of Registration of Judgments of Courts outside Northern Ireland.

Part III.—Enactments repealed as respects Northern Ireland.

Second Schedule—Enactments repealed.

An Act to amend the law relating to Admiralty jurisdiction, legal proceedings in connection with ships and aircraft and the arrest of ships and other property, to make further provision as to the appointment, tenure of office, powers and qualifications of certain judges and officers, to make certain other amendments of the law relating to the Supreme Court and the county courts and of the law relating to the enforcement of certain judgments, orders and decrees, to enable certain funds in court in the Lancashire Chancery Court to be transferred to the official trustees of charitable funds or the Church Commissioners, and for purposes connected with the matters aforesaid. [5th July, 1956]

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

ADMIRALTY JURISDICTION AND OTHER PROVISIONS AS TO SHIPS

- 1.—(1) The Admiralty jurisdiction of the High Court shall be as follows, that is to say, jurisdiction to hear and determine any of the following questions or claims—
- Admiralty
jurisdiction
of the
High Court.
- (a) any claim to the possession or ownership of a ship or to the ownership of any share therein ;
 - (b) any question arising between the co-owners of a ship as to possession, employment or earnings of that ship ;
 - (c) any claim in respect of a mortgage of or charge on a ship or any share therein ;

PART I
—cont.

- (d) any claim for damage done by a ship ;
- (e) any claim for damage received by a ship ;
- (f) any claim for loss of life or personal injury sustained in consequence of any defect in a ship or in her apparel or equipment, or of the wrongful act, neglect or default of the owners, charterers or persons in possession or control of a ship or of the master or crew thereof or of any other person for whose wrongful acts, neglects or defaults the owners, charterers or persons in possession or control of a ship are responsible, being an act, neglect or default in the navigation or management of the ship, in the loading, carriage or discharge of goods on, in or from the ship or in the embarkation, carriage or disembarkation of persons on, in or from the ship ;
- (g) any claim for loss of or damage to goods carried in a ship ;
- (h) any claim arising out of any agreement relating to the carriage of goods in a ship or to the use or hire of a ship ;
- (j) any claim in the nature of salvage (including any claim arising by virtue of the application, by or under section fifty-one of the Civil Aviation Act, 1949, of the law relating to salvage to aircraft and their apparel and cargo) ;
- (k) any claim in the nature of towage in respect of a ship or an aircraft ;
- (l) any claim in the nature of pilotage in respect of a ship or an aircraft ;
- (m) any claim in respect of goods or materials supplied to a ship for her operation or maintenance ;
- (n) any claim in respect of the construction, repair or equipment of a ship or dock charges or dues ;
- (o) any claim by a master or member of the crew of a ship for wages and any claim by or in respect of a master or member of the crew of a ship for any money or property which, under any of the provisions of the Merchant Shipping Acts, 1894 to 1954, is recoverable as wages or in the court and in the manner in which wages may be recovered ;
- (p) any claim by a master, shipper, charterer or agent in respect of disbursements made on account of a ship ;
- (q) any claim arising out of an act which is or is claimed to be a general average act ;
- (r) any claim arising out of bottomry ;

- (s) any claim for the forfeiture or condemnation of a ship or of goods which are being or have been carried, or have been attempted to be carried, in a ship, or for the restoration of a ship or any such goods after seizure, or for droits of Admiralty,

together with any other jurisdiction which either was vested in the High Court of Admiralty immediately before the date of the commencement of the Supreme Court of Judicature Act, 1873 (that is to say, the first day of November, eighteen hundred and seventy-five) or is conferred by or under an Act which came into operation on or after that date on the High Court as being a court with Admiralty jurisdiction and any other jurisdiction connected with ships or aircraft vested in the High Court apart from this section which is for the time being assigned by rules of court to the Probate, Divorce and Admiralty Division.

(2) The jurisdiction of the High Court under paragraph (b) of subsection (1) of this section includes power to settle any account outstanding and unsettled between the parties in relation to the ship, and to direct that the ship, or any share thereof, shall be sold, and to make such other order as the court thinks fit.

(3) The reference in paragraph (j) of subsection (1) of this section to claims in the nature of salvage includes a reference to such claims for services rendered in saving life from a ship or an aircraft or in preserving cargo, apparel or wreck as, under sections five hundred and forty-four to five hundred and forty-six of the Merchant Shipping Act, 1894, or any Order in Council made under section fifty-one of the Civil Aviation Act, 1949, are authorised to be made in connection with a ship or an aircraft.

(4) The preceding provisions of this section apply—

- (a) in relation to all ships or aircraft, whether British or not and whether registered or not and wherever the residence or domicile of their owners may be ;
- (b) in relation to all claims, wheresoever arising (including, in the case of cargo or wreck salvage, claims in respect of cargo or wreck found on land) ; and
- (c) so far as they relate to mortgages and charges, to all mortgages or charges, whether registered or not and whether legal or equitable, including mortgages and charges created under foreign law :

Provided that nothing in this subsection shall be construed as extending the cases in which money or property is recoverable under any of the provisions of the Merchant Shipping Acts, 1894 to 1954.

PART I
—cont.Admiralty
jurisdiction of
the Liverpool
Court of
Passage and
county courts.

2.—(1) Subject to the limitations of amount specified in subsection (2) of this section, the Liverpool Court of Passage and any county court with Admiralty jurisdiction shall have the following Admiralty jurisdiction, that is to say, jurisdiction as respects any such claims as are mentioned in paragraphs (d) to (p) of subsection (1) of the preceding section and subsections (3) and (4) of that section shall, with the necessary modifications, have effect in relation to them.

(2) The limitations of amount referred to in subsection (1) of this section are as follows, that is to say, that the court shall not have jurisdiction to hear and determine any claim mentioned in the said subsection (1) for an amount exceeding one thousand pounds, except in the case of a claim in the nature of salvage where the value of the property saved does not exceed three thousand five hundred pounds.

(3) If, as respects any proceedings as to any such claim as is mentioned in subsection (1) of this section, the parties agree, by a memorandum signed by them or by their respective solicitors or agents, that the Liverpool Court of Passage or a particular county court specified in the memorandum shall have jurisdiction in the proceedings, that court shall, notwithstanding anything in subsection (2) of this section or in any rules made under subsection (3) of section ninety-nine of the County Courts Act, 1934, for prescribing the courts in which proceedings shall be brought, have jurisdiction to hear and determine the proceedings accordingly.

(4) Nothing in this section shall be taken to affect the jurisdiction of any county court to hear and determine any proceedings in which it has jurisdiction by virtue of section forty or forty-two of the County Courts Act, 1934, or the jurisdiction of the Liverpool Court of Passage to hear and determine any proceedings in which it has jurisdiction otherwise than by virtue of subsection (3) of section two hundred and forty-nine of the Liverpool Corporation Act, 1921.

(5) In section fifty-eight of the County Courts Act, 1934 (which relates to the transfer of Admiralty proceedings from the High Court to a county court) subsection (2) (which describes the claims to which that section applies) shall cease to have effect, and that section shall apply to any action where the plaintiff's claim is any such claim as is mentioned in paragraphs (d) to (p) of subsection (1) of section one of this Act and the amount claimed or remaining in dispute does not exceed the amount specified in subsection (2) of this section.

The said section so applies—

- (a) whether the action could or could not have been commenced in a county court ; and
- (b) whether the defendant does or does not set up or intend to rely on a counterclaim ; and

(c) whether the counterclaim (if any), if it had been a claim in an action, would or would not have been within the jurisdiction of a county court.

PART I
—cont.

(6) Nothing in this section, or in section fifty-five of the County Courts Act, 1934, or any order made thereunder shall be taken to confer on the Liverpool Court of Passage or on a county court the jurisdiction of a Prize Court within the meaning of the Naval Prize Acts, 1864 to 1916.

3.—(1) Subject to the provisions of the next following section, the Admiralty jurisdiction of the High Court, the Liverpool Court of Passage and any county court may in all cases be invoked by an action in personam. Mode of exercise of Admiralty jurisdiction.

(2) The Admiralty jurisdiction of the High Court may in the cases mentioned in paragraphs (a) to (c) and (s) of subsection (1) of section one of this Act be invoked by an action in rem against the ship or property in question.

(3) In any case in which there is a maritime lien or other charge on any ship, aircraft or other property for the amount claimed, the Admiralty jurisdiction of the High Court, the Liverpool Court of Passage and any county court may be invoked by an action in rem against that ship, aircraft or property.

(4) In the case of any such claim as is mentioned in paragraphs (d) to (r) of subsection (1) of section one of this Act, being a claim arising in connection with a ship, where the person who would be liable on the claim in an action in personam was, when the cause of action arose, the owner or charterer of, or in possession or in control of, the ship, the Admiralty jurisdiction of the High Court and (where there is such jurisdiction) the Admiralty jurisdiction of the Liverpool Court of Passage or any county court may (whether the claim gives rise to a maritime lien on the ship or not) be invoked by an action in rem against—

(a) that ship, if at the time when the action is brought it is beneficially owned as respects all the shares therein by that person ; or

(b) any other ship which, at the time when the action is brought, is beneficially owned as aforesaid.

(5) In the case of a claim in the nature of towage or pilotage in respect of an aircraft, the Admiralty jurisdiction of the High Court, the Liverpool Court of Passage and any county court may be invoked by an action in rem against that aircraft if at the time when the action is brought it is beneficially owned by the person who would be liable on the claim in an action in personam.

(6) Notwithstanding anything in the preceding provisions of this section, the Admiralty jurisdiction of the High Court, the

PART I
—cont.

Liverpool Court of Passage or any county court shall not be invoked by an action in rem in the case of any such claim as is mentioned in paragraph (o) of subsection (1) of section one of this Act unless the claim relates wholly or partly to wages (including any sum allotted out of wages or adjudged by a superintendent to be due by way of wages).

(7) Where, in the exercise of its Admiralty jurisdiction, the High Court, the Liverpool Court of Passage or any county court orders any ship, aircraft or other property to be sold, the court shall have jurisdiction to hear and determine any question arising as to the title to the proceeds of sale.

(8) In determining for the purposes of subsections (4) and (5) of this section whether a person would be liable on a claim in an action in personam it shall be assumed that he has his habitual residence or a place of business within England and Wales.

Jurisdiction
in personam
of courts in
collision and
other similar
cases.

4.—(1) No court in England and Wales shall entertain an action in personam to enforce a claim to which this section applies unless—

- (a) the defendant has his habitual residence or a place of business within England and Wales ; or
- (b) the cause of action arose within inland waters of England and Wales or within the limits of a port of England and Wales ; or
- (c) an action arising out of the same incident or series of incidents is proceeding in the court or has been heard and determined in the court.

In this subsection—

“ inland waters ” includes any part of the sea adjacent to the coast of the United Kingdom certified by the Secretary of State to be waters falling by international law to be treated as within the territorial sovereignty of Her Majesty apart from the operation of that law in relation to territorial waters ;

“ port ” means any port, harbour, river, estuary, haven, dock, canal or other place so long as a person or body of persons is empowered by or under an Act to make charges in respect of ships entering it or using the facilities therein, and “ limits of a port ” means the limits thereof as fixed by or under the Act in question or, as the case may be, by the relevant charter or custom ;

“ charges ” means any charges with the exception of light dues, local light dues and any other charges in respect of lighthouses, buoys or beacons and of charges in respect of pilotage.

(2) No court in England and Wales shall entertain an action in personam to enforce a claim to which this section applies until any proceedings previously brought by the plaintiff in any court outside England and Wales against the same defendant in respect of the same incident or series of incidents have been discontinued or otherwise come to an end.

(3) The preceding provisions of this section shall apply to counter-claims (not being counter-claims in proceedings arising out of the same incident or series of incidents) as they apply to actions in personam, but as if the references to the plaintiff and the defendant were respectively references to the plaintiff on the counterclaim and the defendant to the counter-claim.

(4) The preceding provisions of this section shall not apply to any action or counter-claim if the defendant thereto submits or has agreed to submit to the jurisdiction of the court.

(5) Subject to the provisions of subsection (2) of this section, the High Court shall have jurisdiction to entertain an action in personam to enforce a claim to which this section applies whenever any of the conditions specified in paragraphs (a) to (c) of subsection (1) of this section are satisfied, and the rules of court relating to the service of process outside the jurisdiction shall make such provision as may appear to the rule-making authority to be appropriate having regard to the provisions of this subsection.

(6) Nothing in this section shall prevent an action or counter-claim which is brought in accordance with the provisions of this section in the High Court, the Liverpool Court of Passage or a county court being transferred, in accordance with the enactments in that behalf, to some other court.

(7) The claims to which this section applies are claims for damage, loss of life or personal injury arising out of a collision between ships or out of the carrying out of or omission to carry out a manoeuvre in the case of one or more of two or more ships or out of non-compliance, on the part of one or more of two or more ships, with the collision regulations.

(8) For the avoidance of doubt it is hereby declared that this section applies in relation to the jurisdiction of any court not being Admiralty jurisdiction, as well as in relation to its Admiralty jurisdiction, if any.

5.—(1) Section one hundred and sixty-five of the Merchant Shipping Act, 1894 (which imposes restrictions on suits for wages), is hereby repealed.

(2) Nothing in this Part of this Act shall be construed as limiting the jurisdiction of the court to refuse to entertain an action for wages by the master or a member of the crew of a ship, not being a British ship.

PART I
—cont.

Courts in
England and
Wales not to
have
jurisdiction in
cases falling
within Rhine
Convention.

Repeals and
savings.

6. No court in England and Wales shall have jurisdiction to determine any claim or question certified by the Secretary of State to be a claim or question which, under the Rhine Navigation Convention, falls to be determined in accordance with the provisions thereof and any proceedings to enforce such a claim which are commenced in any such court shall be set aside.

7.—(1) Section six hundred and eighty-eight of the Merchant Shipping Act, 1894, the Shipowners' Negligence (Remedies) Act, 1905 and the Merchant Shipping (Stevedores and Trimmers) Act, 1911 (which relate to the detention of ships by customs officers in certain cases), and so much of subsection (2) of section seventy-five of the Diseases of Animals Act, 1950, as enables a local authority to recover expenses in burying or destroying carcasses in the same manner as salvage is recoverable, shall cease to have effect, but nothing in this Part of this Act affects the provisions of section five hundred and fifty-two of the Merchant Shipping Act, 1894 (which relates to the power of a receiver of wreck to detain a ship in respect of a salvage claim).

(2) The provisions of sections one to three of this Act shall, as respects the High Court, have effect in lieu of sections twenty-two and thirty-three of the Supreme Court of Judicature (Consolidation) Act, 1925 and, as respects the Liverpool Court of Passage and the county court, in lieu of subsections (1) to (7) of section fifty-six of the County Courts Act, 1934, and those Acts, and in particular any provision of the first-mentioned Act referring to the Admiralty jurisdiction of the High Court, shall be construed accordingly.

(3) Nothing in this Part of this Act shall authorise proceedings in rem in respect of any claim against the Crown, or the arrest, detention or sale of any of Her Majesty's ships or Her Majesty's aircraft, or of any cargo or other property belonging to the Crown.

In this subsection "Her Majesty's ships" and "Her Majesty's aircraft" have the meanings assigned to them by subsection (2) of section thirty-eight of the Crown Proceedings Act, 1947.

(4) Nothing in this Part of this Act shall affect section five of the Mail Ships Act, 1891 (which protects certain mail ships from arrest in certain circumstances).

8.—(1) In this Part of this Act, unless the context otherwise requires,—

"ship" includes any description of vessel used in navigation;

"goods" includes baggage;

Supplemental
and
transitional
provisions.

“collision regulations” means regulations under section four hundred and eighteen of the Merchant Shipping Act, 1894, or any such rules as are mentioned in subsection (1) of section four hundred and twenty-one of that Act or any rules made under subsection (2) of the said section four hundred and twenty-one;

PART I
—cont.

“master” has the same meaning as in the Merchant Shipping Act, 1894, and accordingly includes every person (except a pilot) having command or charge of a ship;

“towage” and “pilotage”, in relation to an aircraft, mean towage and pilotage while the aircraft is waterborne;

“the Rhine Navigation Convention” means the Convention of the seventh of October, eighteen hundred and sixty-eight, as revised by any subsequent Convention.

(2) Nothing in any provision in this Part of this Act or in any repeal consequential thereon shall affect proceedings in respect of any cause of action arising before the coming into operation thereof.

PART II

SUPREME COURT OF JUDICATURE

Appointment, etc., of official referees and other officers

9.—(1) Appointments of persons to be official referees shall be made by Her Majesty.

Appointments
of official
referees to be
made by Her
Majesty.

(2) Any such appointment shall be of a person recommended to Her Majesty by the Lord Chancellor.

(3) Every official referee appointed after the commencement of this Act shall take in the presence of the Lord Chancellor the oath of allegiance and judicial oath; and the Promissory Oaths Act, 1868, shall have effect as if the officers named in the Second Part of the Schedule to that Act included official referees so appointed.

(4) For the avoidance of doubt it is hereby declared that the tenure of office of official referees is that prescribed by section one hundred and twenty-seven of the principal Act, and so much of subsection (2) of section one hundred and twenty-five of that Act as provides that the tenure of office of the official referees is to be determined by the Lord Chancellor as therein mentioned is hereby repealed.

10.—(1) In addition to persons otherwise qualified—

(a) a judge of county courts shall be qualified to be appointed an official referee;

(b) the Assistant Master in Lunacy shall be qualified to be appointed Master in Lunacy;

Qualifications,
etc., of official
referees and
other officers.

PART II
—cont.

- (c) the assistant registrar of the Court of Criminal Appeal shall be qualified to be appointed Queen's Coroner and Attorney, Master of the Crown Office and Registrar of the Court of Criminal Appeal ;
- (d) the deputy assistant registrar of the Court of Criminal Appeal shall be qualified to be appointed—
 - (i) assistant registrar of the Court of Criminal Appeal ; or
 - (ii) Queen's Coroner and Attorney, Master of the Crown Office and Registrar of the Court of Criminal Appeal.

(2) Any person appointed deputy assistant registrar of the Court of Criminal Appeal shall be a barrister of not less than five years' standing and shall be appointed by the Lord Chief Justice of England.

Appointment,
etc., of deputy
district
registrars.

11.—(1) Section one hundred and sixteen of the principal Act (which relates to the appointment of deputies for Supreme Court officers) shall not apply to a deputy district registrar appointed after the coming into force of this section, but in lieu thereof the following provisions shall have effect.

(2) The district registrar for any district may from time to time, with the approval of the Lord Chancellor, appoint a deputy to act for him at any time when he is prevented by illness or unavoidable absence from acting in his office :

Provided that where the district registrar is unable to make such an appointment the Lord Chancellor may make it.

(3) Any person being a solicitor of not less than seven years' standing shall be qualified for appointment as deputy district registrar.

(4) A deputy district registrar, while acting under his appointment, shall have the same powers as if he were the district registrar.

(5) The appointment of a deputy of a district registrar under subsection (2) of this section shall not be avoided by the vacation of office by the district registrar from any cause whatsoever, but the acts of the deputy done thereafter shall be as valid as if the district registrar had not vacated office, and the deputy shall continue to act until a successor to the district registrar is appointed.

(6) A deputy district registrar shall not act as such in relation to any proceedings in which he is, either by himself or his partner, directly or indirectly engaged as a solicitor or agent for any party.

(7) Any person appointing a deputy under this section may at his pleasure remove that deputy from his office.

PART II
—cont.

12.—(1) Assistant district registrars of the High Court may be appointed in aid of the district registrars provided for by section eighty-four of the principal Act, and shall be officers of the Supreme Court.

Appointment,
etc., of
assistant
district
registrars.

(2) Any person being a solicitor of not less than seven years' standing shall be qualified for appointment as assistant district registrar of any district.

(3) The power to make appointments to the office of assistant district registrar shall be vested in the Lord Chancellor.

(4) An assistant district registrar of any district shall be capable of discharging any of the functions of the district registrar, and in so doing shall have the same powers as if he were the district registrar.

(5) The district registrar of any district where there is an assistant district registrar may divide the district registrar's duties as he thinks fit between himself and the assistant district registrar.

(6) Section one hundred and twenty of the principal Act (which prohibits officers of the Supreme Court from practising as a barrister or solicitor in any court), shall not apply to an assistant district registrar, but an assistant district registrar of any district shall not, either by himself or his partner, be directly or indirectly engaged as a solicitor or agent for a party to any proceeding whatsoever in the registry of that district.

(7) In the following enactments (which relate to the pensions, etc., of county court registrars and assistant registrars and to their right to engage in other employment, and under which any duties and salary as district registrar of the High Court are taken into account in the same way as duties and salary as county court registrar or assistant registrar), that is to say,—

(a) section seventeen of the County Courts Act, 1934, and paragraph 4 of Part II of the First Schedule to that Act; and

(b) subsection (4) of section two of the Administration of Justice (Pensions) Act, 1950;

any reference to a district registrar of the High Court shall include a reference to an assistant district registrar.

13.—(1) The district registrar of any district shall be capable of acting in the district registry of any other district for the district registrar of that other district, and subsection (7) of section eighty-four of the principal Act (which prohibits a person who is, or is acting as, the district registrar of any district

Power of one
district
registrar to act
for another.

PART II
—cont.

from acting as solicitor in the registry of that district) shall not apply to a person acting as district registrar of a district by virtue of this section :

Provided that a person shall not by virtue of this section act as district registrar in relation to any proceedings in which he is, either by himself or his partner, directly or indirectly engaged as a solicitor or agent for any party.

(2) The district registrar of any district, where the district registrar of some other district is acting for him under this section, may divide the district registrar's duties as he thinks fit between himself and the district registrar acting for him.

Number of
conveyancing
counsel.

14. The conveyancing counsel of the court shall be not more than six, nor less than three, in number (instead of being not less than six in number as required by subsection (2) of section two hundred and seventeen of the principal Act).

Other provisions as to Supreme Court

Extension of
power to
make rules
of court, and
consequential
and connected
repeals.

15.—(1) Rules of court may prescribe the cases in which jurisdiction or powers of the High Court or a judge of the High Court may be exercised by official referees or special referees, or by masters, registrars, district registrars or other officers of the court, and without prejudice to the generality of the preceding provision may in particular—

- (a) authorise the whole of any cause or matter or any question or issue therein to be ordered to be tried before, or any question arising in any cause or matter to be ordered to be referred for inquiry and report to, any such referee, master, registrar, district registrar or officer ; and
- (b) authorise powers of attachment and committal to be exercised by any official referee (but not by any other referee and not by any master, registrar, district registrar or other officer),

and may make any provision incidental to any such provisions as aforesaid.

(2) The decision of an official referee or special referee, or of a master, registrar, district registrar or other officer, may be called in question in such manner (whether by an appeal to the Court of Appeal or by an appeal or application to a Divisional Court or a judge in court or a judge in chambers, or by an adjournment to a judge in court or a judge in chambers) as may be prescribed by rules of court, but rules of court may, if the rule-making authority think fit, provide either generally or to a limited extent for decisions of official referees being called in question only by appeal on a question of law.

(3) The preceding provisions of this section shall not affect section six of the Administration of Justice (Miscellaneous Provisions) Act, 1933 (which gives a right to a jury in certain cases), but sections eighty-six to ninety-seven of the principal Act (which relate to district registrars and inquiries and trials by referees) and section one of the Administration of Justice Act, 1932 (which relates to appeals from decisions of official referees) shall cease to have effect.

PART II
—cont.

(4) Section sixty-two of the principal Act (which enables orders of a judge in chambers to be set aside or discharged by a judge in court or by a Divisional Court) and paragraph (g) of subsection (1) of section thirty-one of that Act (which requires the leave of the judge or of the Court of Appeal for an appeal against any order of a judge in chambers unless an application has been made to have it set aside or discharged as aforesaid) shall cease to have effect, without prejudice, however, to the power of rules of court to make provision corresponding to the said section sixty-two.

16. The Warrants of Attorney Act, 1822, the Warrants of Attorney Act, 1843, and sections twenty-four to twenty-eight of the Debtors Act, 1869 (which require registration of warrants of attorney, cognovits and consent orders for judgment, and contain other provisions as to warrants of attorney and cognovits) are hereby repealed.

Repeal of enactments as to registration, etc., of warrants of attorney, cognovits, and consent judgments.

17.—(1) Where it appears to the High Court that a probate or administration either ought not to have been granted or contains an error, the court may call in the probate or administration and, if satisfied that it would be revoked at the instance of a party interested, may revoke it.

Miscellaneous provisions as to probates and administrations.

(2) A probate or administration may be revoked under subsection (1) of this section without being called in if it cannot be called in.

(3) Section one hundred and sixty-nine of the principal Act (which relates to the resealing of probates and administrations granted in Northern Ireland) shall (as amended by section ten of the Administration of Justice Act, 1928)—

- (a) apply and be deemed always to have applied to grants in respect of all the estate of a person as it applies to grants in respect of the personal estate of a person ;
- (b) have effect and be deemed always to have had effect as if the requirement in paragraph (a) of subsection (3) thereof as to the production of a certificate that a bond has been given applied only to administrations and not to probates.

PART II
—cont.

Repeal of time limit for filing powers of attorney under the Trustee Act, 1925, s. 25.

18.—(1) There shall be no time limit for the filing at the Central Office of the Supreme Court of powers of attorney under section twenty-five of the Trustee Act, 1925, and of the statutory declarations mentioned in subsection (4) of that section, and accordingly, in the said subsection (4), as amended by the Schedule to the Law of Property (Amendment) Act, 1926, the words “ within ten days after the execution thereof or where not executed within the United Kingdom within ten days after its receipt in the United Kingdom ” are hereby repealed.

(2) This section applies to powers of attorney and statutory declarations executed or made before the coming into operation of this section as well as to powers of attorney and statutory declarations executed or made thereafter.

Extension of time for laying Supreme Court accounts before Parliament.

19. The annual account relating to the Supreme Court, which is prepared under section two hundred and fourteen of the principal Act, need not be laid before Parliament within one month after the thirty-first day of March in each year, if Parliament is then sitting, or if Parliament is not then sitting, within one month after the next meeting of Parliament (as required by subsection (4) of that section), but shall be laid before Parliament between the end of March in each year and the beginning of the following year.

Interpretation of Part II.

20.—(1) In this Part of this Act, except so far as the context otherwise requires, expressions used in the principal Act have the same meanings as in that Act.

(2) In this Part of this Act the expression “ the principal Act ” means the Supreme Court of Judicature (Consolidation) Act, 1925.

PART III

COUNTY COURTS

Appointment, etc., of judges and officers

Appointments of county court judges to be made by Her Majesty.

21.—(1) Appointments of persons to be judges of county courts shall be made by Her Majesty.

(2) Any such appointment shall be of a person recommended to Her Majesty by the Lord Chancellor :

Provided that when the judge of a Duchy of Lancaster district ceases to be the judge thereof, whether by reason of his vacating office or by reason of any alteration in the distribution of the districts among the judges made under subsection (4) of section four of the principal Act, the appointment of his successor shall, unless made under the said subsection (4), be of a person recommended to Her Majesty by the Chancellor of that Duchy and not by the Lord Chancellor.

(3) Accordingly—

PART III
—cont.

- (a) in subsection (1) of section four of the principal Act for the words “ Lord Chancellor ” in the first place where those words occur there shall be substituted the words “ Her Majesty ” ;
- (b) proviso (a) to that subsection shall cease to have effect ; and
- (c) in section five of the principal Act for the words “ Before appointing any person to be a judge ” there shall be substituted the words “ Before recommending any person to Her Majesty for appointment as a judge ”.

(4) Every judge of county courts appointed after the commencement of this Act shall take in the presence of the Lord Chancellor the oath of allegiance and judicial oath ; and the Promissory Oaths Act, 1868, shall have effect as if the officers named in the Second Part of the Schedule to that Act included judges so appointed.

22.—(1) If it appears to the Lord Chancellor, on representations made to him by the judge for any district, that it is expedient so to do in order to avoid delays in the administration of justice in that district, the Lord Chancellor may appoint a person to act for the judge in the despatch of business at any sitting of the court for that district, whether an ordinary sitting appointed under section thirty-five of the principal Act or an additional court.

Temporary appointments of persons to act as judges.

(2) Any person appointed under this section shall, at the sitting for which he is appointed (including any adjournment thereof), have all the powers and privileges and may perform any of the duties of the judge he is appointed to act for, whether or not the judge is present, and on the day of the sitting or any adjournment thereof may exercise out of court any powers so exercisable by the judge.

(3) Where the judge is present, he may divide the judge's duties as he thinks fit between himself and the person appointed to act for him.

(4) Where the hearing of any proceedings duly commenced before a person appointed under this section is adjourned, or judgment is reserved therein, he shall have power at any subsequent sitting of the court to resume the hearing and determine the proceedings, or to deliver as the judgment of the court the judgment which he has reserved, as the case may be, as if his appointment had extended to the subsequent sitting.

(5) No person shall be qualified to be appointed under this section unless he has previously held the office of judge or is a barrister-at-law of at least seven years' standing.

PART III
—*cont.*

(6) The Lord Chancellor may, with the approval of the Treasury, allow a person appointed under this section such remuneration as he thinks fit.

(7) Subsection (1) of section fifteen of the principal Act, in so far as it provides that during the period for which a deputy judge is appointed he shall perform all the duties of the judge for whom he is appointed to act, shall have effect subject to subsection (2) of this section, and subsection (2) of section thirty-six of the principal Act (which requires the registrar to adjourn the court where the judge is not present at a sitting) shall not apply where a person appointed to act for the judge is present at the sitting.

Amendment
as to
appointment
of deputy
judge.

23. An appointment of a deputy judge under subsection (1) of section eleven of the principal Act may be made by the Lord Chancellor, instead of by the judge for whom the deputy is to act, in any case where the judge so requests as well as in the case where the judge is unable to make the appointment.

Persons
capable of
acting for
registrar.

24.—(1) The registrar for any district shall be capable of acting in any other district for the registrar for that other district, and section thirty of the principal Act (which prohibits an officer of a county court from acting as a solicitor in that court) shall not apply to a person acting as registrar of a court by virtue of this subsection:

Provided that a person shall not by virtue of this subsection act as registrar in relation to any proceedings in which he is, either by himself or his partner, directly or indirectly engaged as solicitor or agent for any party.

(2) Subsection (2) of section twenty-five of the principal Act (which authorises the Lord Chancellor to direct that particular powers and duties of a registrar shall be exercised and performed by the assistant registrar) shall cease to have effect; but an assistant registrar shall be capable, and be deemed always to have been capable, of discharging any of the functions of the registrar, and in so doing shall have the same powers and be subject to the same liabilities as if he were the registrar.

(3) The registrar for any district where there is an assistant registrar, or where the registrar for some other district is acting for him under subsection (1) of this section, may divide the registrar's duties as he thinks fit between himself and the assistant registrar or the registrar acting for him, as the case may be.

Status and
pensions of
assistant
registrars.

25.—(1) Employment as an assistant registrar shall cease to be included in the expression "court service" as defined in section twenty-nine of the principal Act (which relates to the status as civil servants and pensions of persons in court service), and accordingly in section twenty-one of the principal Act (which relates to the pensions of registrars) there shall cease to

have effect so much of the proviso to subsection (1) as relates to a whole-time registrar who, having immediately before his appointment as such been an assistant registrar, desires to remain subject to the provisions of the said section twenty-nine.

(2) The said section twenty-one, section fourteen of the Superannuation Act, 1935, and the Administration of Justice (Pensions) Act, 1950, shall apply in relation to whole-time assistant registrars, as well as to whole-time registrars, and shall have effect as if service as a whole-time assistant registrar were service as a whole-time registrar, and references to a whole-time registrar, to a person's appointment as such, and to the date on which a person became such a registrar, were to be construed accordingly.

(3) The following provisions of the principal Act, that is to say—

- (a) section seventeen (which enables the Lord Chancellor to give a direction that a registrar shall be a whole-time registrar) ; and
- (b) subsection (2) of section eighteen (which provides that before giving such a direction the Lord Chancellor shall take steps to satisfy himself as to the registrar's health) ; and
- (c) subsection (2) of section nineteen (which relates to the retirement through age of registrars) ;

shall apply to an assistant registrar as they apply to a registrar, and for the purposes of this section the expression "whole-time assistant registrar" means an assistant registrar in whose case a direction has been given by the Lord Chancellor under the said section seventeen.

(4) Nothing in this Act shall affect the operation of the proviso to subsection (1) of section twenty-one of the principal Act in relation to a person appointed whole-time registrar before the date of the coming into force of this section ; and, notwithstanding anything in subsection (2) of this section, service as an assistant registrar before that date shall not be taken into account for the purposes of the said section twenty-one or of the Administration of Justice (Pensions) Act, 1950, but in the case of a person who at that date is serving as an assistant registrar his period of service shall for those purposes be reckoned as from that date.

Other provisions as to county courts

26. Section one hundred and sixty-four of the principal Act (which provides for the transfer to a county court in certain cases of money recovered in the High Court by infants or persons of unsound mind or by widows of persons killed), except subsection (4) thereof, shall apply in relation to any cause or matter in the High Court as it applies in relation to a cause or matter in the Queen's Bench Division.

Transfer to county court of money recovered in High Court by infants and others.

PART III
—cont.Penalty for
non-attendance
on judgment
summons.

27.—(1) Section eighty-one of the principal Act (which provides a pecuniary penalty for neglect of a witness summons) shall not apply to a debtor summoned to attend by a judgment summons.

(2) If a debtor summoned to attend a county court by a judgment summons fails to attend on the day and at the time fixed for any hearing thereof, the judge may adjourn or further adjourn the summons to a specified time on a specified day and order the debtor to attend at that time on that day.

(3) If—

(a) a debtor, having been ordered under subsection (2) of this section to attend at a specified time on a specified day, fails to do so ; or

(b) a debtor who attends for the hearing of a judgment summons refuses to be sworn or to give evidence,

the judge may make an order committing him to prison for a period not exceeding fourteen days in respect of the failure or refusal :

Provided that a debtor shall not be committed to prison under this subsection for having failed to attend as required by an order under the said subsection (2) unless there was paid to him at the time of the service of the judgment summons, or paid or tendered to him at the time of the service of the order under the said subsection (2), such sum in respect of his expenses as may be prescribed for the purposes of this section.

(4) The judge may at any time revoke an order committing a person to prison under this section and, if he is already in custody, order his discharge.

(5) Where, under section one hundred and forty-three of the principal Act, an order for the committal of a person under this section has been sent to another court for execution, the judge of that other court shall have the same power of revoking the order and ordering the debtor's discharge as the judge of the court by which the order was made.

(6) In this section " judgment summons " means a summons issued on the application of a person entitled to enforce a judgment or order under section five of the Debtors Act, 1869, requiring a person, or where two or more persons are liable under the judgment or order, requiring any one or more of them, to appear and be examined on oath as to his or their means.

Miscellaneous
amendments
as to
executions.

28.—(1) For subsection (2) of section one hundred and seventeen of the principal Act (which relates to execution where there has been an order for payment by instalments and a default in payment of an instalment) there shall be substituted the following subsections—

" (2) County court rules may prescribe the cases in which execution is to issue if there is any such default and limit

the amounts for which and the times at which execution may issue.

PART III
—cont.

(3) Except so far as may be otherwise provided by county court rules made for the purposes aforesaid, execution or successive executions may issue if there is any such default for the whole of the said sum of money and costs then remaining unpaid or for such part thereof as the court may order either at the time of the original order or at any subsequent time :

Provided that, except so far as may be otherwise provided by such rules, no execution shall issue unless at the time when it issues the whole or some part of an instalment which has already become due remains unpaid."

(2) Section one hundred and eighteen of the principal Act (which provides for an execution to be superseded on payment of the sum of money and costs adjudged and fees for execution of the warrant as inserted in or endorsed on the warrant) shall be amended as follows :—

- (a) the amount required by subsection (1) to be inserted in or endorsed on the warrant of execution shall be the total amount to be levied, inclusive of the fee for issuing the warrant but exclusive of the fees for its execution ;
- (b) the amount required to be paid or tendered for the execution to be superseded under subsection (2) shall be the amount so inserted or endorsed, or such part thereof as the person entitled thereto agrees to accept in full satisfaction, together with the amount stated by the officer of the court to whom the payment or tender is made to be the amount of the fees for the execution of the warrant.

(3) Brokers and appraisers appointed under section one hundred and twenty-seven of the principal Act for the purpose of selling or valuing any goods, chattels or effects seized in execution under process of the court need not be sworn, and accordingly in section one hundred and twenty-eight of the principal Act (under which the judge may authorise a bailiff to act as a broker or appraiser) for the words " sworn brokers or appraisers " in subsection (2) there shall be substituted the words " brokers or appraisers appointed under the last foregoing section ".

(4) The duration of any warrant of possession issued by a county court to enforce a judgment or order for the recovery of land or for the delivery of possession of land shall, notwithstanding anything in subsection (4) of section five of the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, be such as may be fixed by or in accordance with county court rules.

PART III
—cont.

Increase of penalties for assaulting officers, rescuing goods seized and contempt of court.

29.—(1) The fine which may be imposed under any of the following provisions of the principal Act, that is to say,—

- (a) section thirty-one (which deals with assaults on officers of a county court) ;
- (b) section one hundred and twenty-four (which deals with rescuing goods seized in execution under process of a county court) ;
- (c) section one hundred and thirty-nine (which deals with insulting behaviour in a county court and similar contempts) ;

shall be a fine not exceeding twenty pounds, instead of a fine not exceeding five pounds.

(2) A county court judge instead of imposing a fine on an offender under any of the sections mentioned in subsection (1) of this section may make an order committing the offender for a specified period not exceeding one month to any prison to which he has power to commit :

Provided that the judge may at any time revoke an order committing a person to prison under this section and, if he is already in custody, order his discharge.

(3) On summary conviction of an offence under section thirty-one or section one hundred and twenty-four of the principal Act, a person shall be liable either to the fine mentioned in subsection (1) of this section or to imprisonment for a term not exceeding one month.

Extension of powers of registrar as to stay or suspension of judgments and orders and stay of execution.

30. The powers conferred by subsection (2) of section ninety-six and by section one hundred and nineteen of the principal Act to suspend or stay judgments and orders and to stay executions shall, to such extent as may be provided by county court rules, be exercisable by the registrar as well as by the judge, and accordingly for the references in the said subsection (2) and the said section one hundred and nineteen to the judge there shall be substituted references to the court.

Miscellaneous procedural amendments.

31.—(1) In section sixty-two of the principal Act (which provides for a county court order for the grant or revocation of probate or administration to be certified to a district probate registry, and given effect to there), there shall be substituted in paragraph (a) for the words “transmit to the registrar of such district probate registry as he thinks convenient” the words “transmit to the principal or a district probate registry as he thinks convenient”, and the references in paragraph (b) to the district probate registry and the district probate registrar shall respectively include references to the principal probate registry and a registrar of the principal probate registry.

(2) An application to a county court under subsection (2) of section seventeen of the Matrimonial Causes Act, 1950, shall be made in the manner prescribed by county court rules, and shall not be required by that section to be made by petition and accordingly—

- (a) in subsection (2) of that section, for the words “by petition to the court” there shall be substituted the words “to the court by petition or to a county court”;
- (b) in subsection (3) of that section—
 - (i) the words “A petition under the last foregoing subsection may be presented to a county court instead of the High Court” shall be omitted;
 - (ii) for the words “Provided that, where a petition is presented to a county court” there shall be substituted the words “Where an application under the last foregoing subsection is made to a county court”;
 - (iii) for the word “therein” at the end of the subsection, there shall be substituted the words “by a petition presented to the High Court”; and
- (c) in subsection (6) of that section after the word “petition”, wherever occurring, there shall be inserted the words “or other application” and after the word “presented” there shall be inserted the words “or made”.

(3) Section one hundred and seventy-five of the principal Act (which enables service of any summons or other process by a bailiff to be proved by an endorsement signed by him, and penalises a false endorsement) shall apply to any officer of a county court as it applies to a bailiff.

(4) In the proviso to subsection (3) of section eighty-nine of the principal Act (which confers power on the judge of a county court to set aside an award on a reference under that section or to revoke the reference or order another reference) for the words “on application made to him at the first court held after the expiration of one week after the entry of the award” there shall be substituted the words “on application made to him within such time as may be prescribed by county court rules”.

32.—(1) Notwithstanding anything in section two hundred and six of the Supreme Court of Judicature (Consolidation) Act, 1925, or in subsection (8) of section ninety-nine of the principal Act, county court rules shall not require the concurrence of the authority empowered to make rules under the first mentioned Act. Amendments
as to the
making of
rules and
orders.

PART III
—cont.

(2) The rule committee under the principal Act shall contain two barristers, two registrars and two solicitors instead of one barrister, one registrar and one solicitor, and accordingly in subsection (5) of the said section ninety-nine for the words "three other persons so appointed, one of whom shall be a barrister, one a registrar and the other a solicitor" there shall be substituted the words "six other persons so appointed two of whom shall be barristers, two of whom shall be registrars and two of whom shall be solicitors".

(3) The concurrence of the President of the Board of Trade shall not be required to the exercise by the Lord Chancellor of the power under section one hundred and fifty-seven of the principal Act to make general rules for carrying into effect the objects of Part VII of that Act (which relates to administration orders).

(4) The power to make fees orders under section one hundred and sixty-seven of the principal Act shall be exercisable in relation to proceedings for the recovery by the Tithe Redemption Commission of a debt due to Her Majesty under section sixteen of the Tithe Act, 1936, as if the provisions applied by subsection (3) of the said section sixteen did not include so much of subsection (8) of section two of the Tithe Act, 1891, as limited the fees payable on proceedings under the last mentioned section to those set forth in the Schedule to the said Act of 1891.

Interpretation and citation of Part III.

33.—(1) In this Part of this Act, except in so far as the context otherwise requires, expressions used in the principal Act have the same meanings as in that Act.

(2) In this Part of this Act the expression "the principal Act" means the County Courts Act, 1934.

(3) This Part of this Act and the County Courts Acts, 1934 and 1955 may be cited together as the County Courts Acts, 1934 to 1956.

PART IV

GENERAL PROVISIONS AS TO ENFORCEMENT OF JUDGMENTS AND ORDERS

Abolition of writs of elegit and repeal of enactments imposing charges on land, etc.

34.—(1) No writ of elegit shall be issued after the coming into operation of this section.

(2) Subsections (1) to (3) and (5) of section one hundred and ninety-five of the Law of Property Act, 1925 (which provide that judgments entered up in the Supreme Court operate, subject to the provisions of those subsections, as charges on land of the judgment debtor) shall cease to have effect.

(3) Section one hundred and thirty-six of the County Courts Act, 1934 (which relates to the removal to the High Court

of a county court judgment where the judgment debtor has no goods or chattels which can be conveniently seized to satisfy the judgment) shall cease to have effect.

PART IV
—cont.

35.—(1) The High Court and any county court may, for the purpose of enforcing a judgment or order of those courts respectively for the payment of money to a person, by order impose on any such land or interest in land of the debtor as may be specified in the order a charge for securing the payment of any moneys due or to become due under the judgment or order.

Power of courts to impose charges on land of judgment debtor.

(2) An order under subsection (1) of this section may be made either absolutely or subject to conditions as to notifying the debtor or as to the time when the charge is to become enforceable or as to other matters.

(3) The Land Charges Act, 1925, and the Land Registration Act, 1925, shall apply in relation to orders under subsection (1) of this section as they apply in relation to other writs or orders affecting land issued or made for the purpose of enforcing judgments, but, save as aforesaid, a charge imposed under the said subsection (1) shall have the like effect and shall be enforceable in the same courts and in the same manner as an equitable charge created by the debtor by writing under his hand:

Provided that a charge imposed under the said subsection (1) for the purpose of enforcing a judgment or order of a county court may, notwithstanding that the amount secured by the charge exceeds the amount by which the jurisdiction of a county court is limited by paragraph (c) of subsection (1) of section fifty-two of the County Courts Act, 1934, be enforced in a county court.

(4) The preceding provisions of this section shall apply in relation to a judgment, order, decree or award (however called) of any court or arbitrator (including any foreign court or foreign arbitrator) which is or has become enforceable (whether wholly or to a limited extent) as if it were a judgment or order of the High Court or the county court as they apply in relation to a judgment or order of the High Court or the county court.

36.—(1) The power of the High Court and of the county court to appoint a receiver by way of equitable execution shall be extended so as to operate in relation to all legal estates and interests in land.

Receivers.

(2) The said power may be exercised in relation to an estate or interest in land whether or not a charge has been imposed on that land under the last preceding section for the purpose of enforcing the judgment, decree, order or award in question, and

PART IV
—cont.

the said power shall be in addition to and not in derogation of any power of any court to appoint a receiver in proceedings for enforcing such a charge.

(3) Where an order under the last preceding section imposing a charge for the purpose of enforcing a judgment, decree, order or award has been registered under section six of the Land Charges Act, 1925, subsection (1) of section seven of that Act (which provides that, amongst other things, an order appointing a receiver and any proceedings pursuant to the order or in obedience thereto shall be void against a purchaser unless the order is for the time being registered under section six of that Act) shall not apply to an order appointing a receiver made either in proceedings for enforcing the charge or by way of equitable execution of the judgment, decree, order or award or, as the case may be, of so much thereof as requires payment of moneys secured by the charge.

(4) Consequentially on the provisions of subsection (1) of this section, in subsection (2) of section forty of the Bankruptcy Act, 1914, for the words "or, in the case of an equitable interest," and in subsection (2) of section three hundred and twenty-five of the Companies Act, 1948, for the words "and, in the case of an equitable interest," the word "or" shall be substituted.

**Goods
protected
from seizure
in execution.**

37.—(1) In section eight of the Small Debts Act, 1845, and section one hundred and twenty-one of the County Courts Act, 1934 (which protect wearing apparel, bedding and tools to the value of five pounds from seizure in execution) for the words "the value of five pounds" there shall be substituted the words "the prescribed value".

(2) The prescribed value for the purposes of the said sections eight and one hundred and twenty-one shall be twenty pounds or such larger amount as may be prescribed by order of the Lord Chancellor, and section four of the Law of Distress Amendment Act, 1888 (which provides, by reference to the said section one hundred and twenty-one, a similar protection in the case of distress for rent) shall have effect accordingly.

(3) The extent to which goods and chattels are protected from seizure under distresses ordered by a magistrates' court shall, as well in cases in which such courts have jurisdiction by virtue of the Employers and Workmen Act, 1875, as in other cases, be wholly determined by the rules made under section fifteen of the Justices of the Peace Act, 1949, as extended by section one hundred and twenty-two of the Magistrates' Courts Act, 1952, and the rules in force under the said section fifteen as so extended at the time of the coming into force of this section shall have effect accordingly; and accordingly in section nine of the

Employers and Workmen Act, 1875, the words "and no goods or chattels shall be taken under a distress ordered by a court of summary jurisdiction which might not be taken under an execution issued by a county court" are hereby repealed.

PART IV
—*cont.*

(4) The proviso to section one hundred and fifty-two of the County Courts Act, 1934 (which relates to execution under an administration order and protects household goods, wearing apparel, bedding and tools to the value of twenty pounds) shall cease to have effect, and section one hundred and twenty-one of that Act shall apply accordingly on an execution under the said section one hundred and fifty-two.

(5) Any order of the Lord Chancellor under this section may be varied or revoked by a subsequent order of the Lord Chancellor.

(6) The power of the Lord Chancellor to make orders under this section shall be exercisable by statutory instrument.

(7) Any such statutory instrument shall be laid before Parliament after being made.

38.—(1) A sum standing to the credit of a person in a deposit account in a bank shall, for the purposes of the jurisdiction of the High Court and the county court to attach debts for the purpose of satisfying judgments or orders for the payment of money, be deemed to be a sum due or accruing to that person and, subject to rules of court, shall be attachable accordingly, notwithstanding that any of the following conditions applicable to the account, that is to say—

- (a) any condition that notice is required before any money is withdrawn ;
- (b) any condition that a personal application must be made before any money is withdrawn ;
- (c) any condition that a deposit book must be produced before any money is withdrawn ; or
- (d) any other condition prescribed by rules of court, has not been satisfied.

(2) This section shall not apply to any account in the Post Office Savings Bank, in any Trustee Savings Bank or in any Savings Bank maintained in pursuance of any enactment by any local authority or to any account in any bank with two or more places of business if the terms applicable to that account permit withdrawals on demand, on production of a deposit book, at more than one of those places of business, with or without restrictions as to the amount which may be withdrawn.

39. A judgment or order of the High Court for the payment of money to a person, and any judgment, order, decree or award (however called) of any court or arbitrator (including any foreign court or foreign arbitrator) being a judgment, order, decree or award for the payment of money to a person which is or has

Execution of
High Court
judgments and
orders in
county court.

PART IV
—cont.

become enforceable (whether wholly or to a limited extent) as if it were a judgment or order of the High Court shall, on an application made to the county court by the party prosecuting the judgment, be enforceable under section one hundred and sixteen of the County Courts Act, 1934, as if it were a judgment of that court, and the provisions of Part VI of that Act (including the provisions thereof relating to the staying of execution) shall have effect accordingly in relation to the enforcement thereof under the said section one hundred and sixteen.

Effect of registration of judgments of courts outside England and Wales.

40. Section five of the Debtors Act, 1869, as amended by any subsequent enactment, and the Bankruptcy Act, 1914, as so amended, shall have effect as if—

- (a) any judgment of the High Court of Northern Ireland or decret of the Court of Session a certificate of which has been registered in the High Court under section one or section three of the Judgments Extension Act, 1868 ; and
- (b) any judgment, as defined in Part II of the Administration of Justice Act, 1920, which has been registered in the High Court under the said Part II ; and
- (c) any judgment, as defined in the Inferior Courts Judgments Extension Act, 1882, a certificate of which has been registered in the High Court or in a county court under that Act,

were a judgment of the High Court or, as the case may be, of that county court, and proceedings may be taken under those Acts accordingly.

Execution by county court of judgments and orders of inferior courts.

41.—(1) Any execution issued by a local court for the purpose of enforcing any judgment or order of that court for the payment of money (including a penalty), or for the delivery of property other than land or money (with or without an option to pay instead the value of the property), or for both, may outside the area in which the local court has jurisdiction, be enforced through a county court in the same way as an execution of the like nature issued by some other county court.

(2) Where an execution issued by a local court is sent to a county court to be enforced under this section, the judge and officers of the county court shall have the same powers and duties in connection therewith as they have where an execution of the like nature is sent for enforcement from another county court, and the County Courts Act, 1934, shall apply in relation to the enforcement of the execution under this section as if the execution had been issued by a county court:

Provided that this subsection shall not affect the period for which the execution is in force or the manner in which or period for which it may be extended or renewed.

(3) The foregoing provisions of this section shall apply in relation to any writ, warrant or order for a person's attachment or committal to prison which is issued by a local court as they apply to an execution issued by a local court for a purpose within subsection (1) of this section.

PART IV
—cont.

(4) In this section "local court" means any inferior court of record for the trial of civil actions, other than a county court or any of the barmote courts held under the High Peak Mining Customs and Mineral Courts Act, 1851, or the Derbyshire Mining Customs and Mineral Courts Act, 1852, and includes the Mayor's and City of London Court in relation to proceedings in which it is not regarded as a county court (but without prejudice to the application to the said court of the expression "county court" in relation to executions, attachments and committals issued by other courts).

42. For the removal of doubts it is hereby declared that any enactment (including any enactment in this Act) which authorises or requires the taking of any steps for the execution or enforcement of a judgment or order of the High Court applies in relation to a judgment or order of the Court of Appeal as it applies in relation to a judgment or order of the High Court.

Execution and enforcement of judgments and orders of the Court of Appeal.

43. This Part of this Act applies in relation to judgments, orders, decrees and awards whether given or made before or after the coming into operation thereof:

Application to existing judgments.

Provided that where a writ of *elegit* has been issued before the coming into operation of section thirty-four of this Act, the like consequences shall flow and the like proceedings may be had under and in connection therewith as would have flowed and might have been had if this Part of this Act and any repeals consequential thereon had not come into operation.

44.—(1) Her Majesty may by Order in Council direct that any of the provisions of this Part of this Act which are not otherwise applicable shall apply in relation to any inferior court in England and Wales other than a county court as they apply in relation to a county court, subject, however, to such adaptations and modifications as may be specified in the Order.

Power to extend Part IV to inferior courts.

(2) An Order in Council under this section may be revoked or varied by a subsequent Order.

PART V

ADMIRALTY JURISDICTION AND ARRESTMENT OF SHIPS IN SCOTLAND

45.—(1) Subject to the provisions of this Part of this Act, any court having Admiralty jurisdiction shall have jurisdiction to entertain, as against any defender, an action to which this section applies if, but only if,—

Jurisdiction in relation to collisions, etc.

(a) the defender has his habitual residence or a place of business in the area for which the court acts, or

PART V
—cont.

- (b) the cause of action arose in the area for which the court acts and either within inland waters or within the limits of a port, or
- (c) an action arising out of the same incident or series of incidents is proceeding in the court or has been heard and determined by the court, or
- (d) the defender has prorogated the jurisdiction of the court, or
- (e) a ship in which the defender owns one or more shares has been arrested (whether *ad fundandam jurisdictionem* or on the dependence of the action) within the area for which the court acts.

(2) Where an action to which this section applies is raised in a court having jurisdiction by virtue only of one or more of the provisions of the preceding subsection other than paragraph (d) thereof, and it appears to the court that cognate proceedings are depending in a competent court outside Scotland, the first mentioned court shall sist the action if so moved by any party thereto, and shall not recall the sist until satisfied that the cognate proceedings have been discontinued or have otherwise come to an end:

Provided that nothing in this subsection shall prevent the first mentioned court from entertaining any application as to diligence in the action.

In this subsection “cognate proceedings”, in relation to any action, means proceedings instituted, before the granting of warrant for service in the action, by the pursuer in the action against any other party to the action, being proceedings in respect of the same incident or series of incidents as those with which the action is concerned.

(3) This section applies to actions for payment of reparation arising out of one or more of the following incidents, that is to say—

- (a) any collision between ships, or
- (b) the carrying out of, or the omission to carry out, a manoeuvre in the case of one or more of two or more ships, or
- (c) the non-compliance, on the part of one or more of two or more ships, with the collision regulations.

(4) In this section—

“inland waters” includes any part of the sea adjacent to the coast of the United Kingdom certified by the Secretary of State to be waters falling by international law to be treated as within the territorial sovereignty of Her Majesty apart from the operation of that law in relation to territorial waters;

“port” means any port, harbour, river, estuary, haven, dock, canal or other place so long as a person or body of persons is empowered by or under an Act or charter to make charges in respect of ships entering it or using the facilities therein, and “limits of a port” means the limits thereof as fixed by or under the Act in question or, as the case may be, by the relevant charter or custom ;

PART V
—cont.

“charges” means any charges with the exception of light dues, local light dues and any other charges in respect of lighthouses, buoys or beacons and of charges in respect of pilotage.

(5) For the avoidance of doubt it is hereby declared that any reference in this section to an action for payment of reparation does not include a reference to an action to make good a lien.

(6) Section six of the Sheriff Courts (Scotland) Act, 1907 (as amended by any subsequent enactment), shall cease to have effect in relation to actions to which this section applies.

46. No court shall have jurisdiction to determine any claim or question certified by the Secretary of State to be a claim or question which, under the Rhine Navigation Convention, falls to be determined in accordance with the provisions thereof.

Exclusion of jurisdiction in cases falling within Rhine Convention.

In this section “the Rhine Navigation Convention” means the Convention of the seventh of October, eighteen hundred and sixty-eight, as revised by any subsequent Convention.

47.—(1) Subject to the provisions of this section and section fifty of this Act, no warrant issued after the commencement of this Part of this Act for the arrest of property on the dependence of an action or in rem shall have effect as authority for the detention of a ship unless the conclusion in respect of which it is issued is appropriate for the enforcement of a claim to which this section applies, and, in the case of a warrant to arrest on the dependence of an action, unless either—

Arrest of ships on the dependence of an action or in rem.

- (a) the ship is the ship with which the action is concerned, or
- (b) all the shares in the ship are owned by the defender against whom that conclusion is directed.

(2) This section applies to any claim arising out of one or more of the following, that is to say—

- (a) damage done or received by any ship ;
- (b) loss of life or personal injury sustained in consequence of any defect in a ship or in her apparel or equipment, or of the wrongful act, neglect or default of the owners, charterers or persons in possession or control of a ship or of the master or crew thereof or of any other person

PART V
—*cont.*

for whose wrongful acts, neglects or defaults the owners, charterers or persons in possession or control of a ship are responsible, being an act, neglect or default in the navigation or management of the ship, in the loading, unloading or discharge of goods on, in or from the ship or in the embarkation, carriage or disembarkation of persons on, in or from the ship ;

- (c) salvage ;
- (d) any agreement relating to the use or hire of any ship whether by charterparty or otherwise ;
- (e) any agreement relating to the carriage of goods in any ship whether by charterparty or otherwise ;
- (f) loss of, or damage to, goods carried in any ship ;
- (g) general average ;
- (h) any bottomry bond ;
- (i) towage ;
- (j) pilotage ;
- (k) the supply of goods or materials to a ship for her operation or maintenance ;
- (l) the construction, repair or equipment of any ship ;
- (m) liability for dock charges or dues ;
- (n) liability for payment of wages (including any sum allotted out of wages under section one hundred and forty-one of the Merchant Shipping Act, 1894, or adjudged under section three hundred and eighty-seven of that Act by a superintendent to be due by way of wages) of a master or member of the crew of a ship ;
- (o) master's disbursements, including disbursements made by shippers, charterers or agents on behalf of a ship or her owner ;
- (p) any dispute as to the ownership or right to possession of any ship or as to the ownership of any share in a ship ;
- (q) any dispute between co-owners of any ship as to the ownership, possession, employment or earnings of that ship ;
- (r) the mortgage or hypothecation of any ship or any share in a ship ;
- (s) any forfeiture or condemnation of any ship, or of goods which are being, or have been, carried, or have been attempted to be carried, in any ship, or for the restoration of a ship or any such goods after seizure.

(3) In any proceedings having a conclusion appropriate for the enforcement of any claim such as is mentioned in paragraphs (p) to (s) of the last preceding subsection a warrant may be issued—

- (a) if the conclusion is a pecuniary conclusion, for the arrest of the ship on the dependence of the action ; or
- (b) in any other case (whether or not the claimant is entitled to a lien over the ship), for the arrest of the ship in rem ;

but there shall not be issued in respect of any such conclusion as aforesaid (whether pecuniary or otherwise) a warrant to arrest, either in rem or on the dependence of the action, any ship other than the ship to which the conclusion relates.

(4) Subject to the preceding subsection, nothing in this section shall be taken to authorise—

- (a) the use of an arrestment on the dependence of an action otherwise than in respect of a pecuniary conclusion, or
- (b) the use of an arrestment in rem otherwise than in respect of a conclusion appropriate for the making good of a lien.

(5) A warrant for the arrest of a ship in rem issued by virtue of paragraph (b) of subsection (3) of this section in a case where the person in whose favour it is issued is not entitled to a lien over the ship shall have effect as authority for the detention of the ship as security for the implementation of the decree of the court so far as it affects that ship :

Provided that the court may, on the application of any person having an interest, recall the arrestment if satisfied that sufficient bail or other security for such implementation has been found.

(6) Nothing in this section shall authorise the arrest, whether on the dependence of an action or in rem, of a ship while it is on passage.

(7) Nothing in this section shall authorise the arrest, whether on the dependence of an action or in rem, of a ship in respect of any claim against the Crown, or the arrest, detention or sale of any of Her Majesty's ships or Her Majesty's aircraft.

In this subsection " Her Majesty's ships " and " Her Majesty's aircraft " have the meanings assigned to them by subsection (2) of section thirty-eight of the Crown Proceedings Act, 1947.

(8) Nothing in this section shall affect section five of the Mail Ships Act, 1891 (which protects certain mail ships from arrest in certain circumstances).

48. In this Part of this Act, unless the context otherwise requires,— Interpretation
of Part V.

- (a) references to an action, a pursuer and a defender include respectively references to a counter-claim, the person

PART V
—cont.

- making a counter-claim and the person against whom a counter-claim is made ;
- (b) any reference to a conclusion includes a reference to a crave, and “ pecuniary conclusion ” does not include a conclusion for expenses ;
- (c) any reference to a warrant to arrest property includes a reference to letters of arrestment and to a precept of arrestment ;
- (d) any reference to a lien includes a reference to any hypothec or charge ;
- (e) any reference to claims arising out of salvage includes a reference to such claims for services rendered in saving life from a ship or an aircraft or in preserving cargo, apparel or wreck as, under sections five hundred and forty-four to five hundred and forty-six of the Merchant Shipping Act, 1894, or any Order in Council made under section fifty-one of the Civil Aviation Act, 1949, are authorised to be made in connection with a ship or an aircraft ; and
- (f) the following expressions have the meanings hereby assigned to them respectively, that is to say—
- “ collision regulations ” means regulations under section four hundred and eighteen of the Merchant Shipping Act, 1894, or any such rules as are mentioned in subsection (1) of section four hundred and twenty-one of that Act or any rules made under subsection (2) of the said section four hundred and twenty-one ;
- “ goods ” includes baggage ;
- “ master ” has the same meaning as in the Merchant Shipping Act, 1894, and accordingly includes every person (except a pilot) having command or charge of a ship ;
- “ ship ” includes any description of vessel used in navigation not propelled by oars ;
- “ towage ” and “ pilotage ” in relation to an aircraft, mean towage and pilotage while the aircraft is waterborne.

Repeals.

49.—(1) Section one hundred and sixty-five of the Merchant Shipping Act, 1894 (which imposes restrictions on proceedings for the recovery of wages of seamen and apprentices) shall cease to have effect and is hereby repealed.

(2) So much of subsection (2) of section seventy-five of the Diseases of Animals Act, 1950, as enables a local authority to recover expenses incurred in burying or destroying carcasses in the same manner as salvage is recoverable, shall cease to have

effect ; and accordingly the words in the said subsection (2) from “and the local authority” to the end of the subsection are hereby repealed.

PART V
—cont.

50.—(1) This Part of this Act shall apply to Scotland only. **Application and commencement of Part V.**

(2) This Part of this Act shall come into operation on such day as the Secretary of State may appoint by order made by statutory instrument.

(3) Nothing in this Part of this Act shall affect any action in respect of which warrant for service has been granted before the commencement of this Part of this Act.

PART VI

MISCELLANEOUS AND SUPPLEMENTAL

51. Where an Order in Council is made extending Part I of the Foreign Judgments (Reciprocal Enforcement) Act, 1933, to a part of Her Majesty's dominions or other territory to which Part II of the Administration of Justice Act, 1920, extends, the said Part I shall, in relation to that part of Her Majesty's dominions or other territory, have effect as if— **Modification of Foreign Judgments (Reciprocal Enforcement) Act, 1933, in relation to certain parts of Her Majesty's dominions.**

- (a) the expression “ judgment ” included an award in proceedings on an arbitration if the award has, in pursuance of the law in force in the place where it was made, become enforceable in the same manner as a judgment given by a court in that place ;
- (b) the fact that a judgment was given before the coming into operation of the Order did not prevent it from being a judgment to which the said Part I applies, but the time limited for the registration of a judgment were, in the case of a judgment so given, twelve months from the date of the judgment or such longer period as may be allowed by the High Court in England and Wales, the Court of Session in Scotland, or the High Court in Northern Ireland ;
- (c) any judgment registered in any of the said courts under the said Part II before the coming into operation of the Order had been registered in that court under the said Part I and anything done in relation thereto under the said Part II or any rules of court or other provisions applicable to the said Part II had been done under the said Part I or the corresponding rules of court or other provisions applicable to the said Part I.

PART VI
—*cont.*Funds in
court in
Lancashire
Chancery
Court.

52.—(1) Any funds for the time being held in the joint names of the Clerk of the Council of the Duchy of Lancaster, the registrar of any district of the Court of Chancery of the County Palatine of Lancaster and the Comptroller of the said court, being funds held in trust for any charity subject to the jurisdiction of the Charity Commissioners or of the Minister of Education, or in trust for any ecclesiastical corporation in the Church of England may, if the Vice-Chancellor, on an application made in that behalf to the registrar, as the case may be, either by the Charity Commissioners or the Church Commissioners, thinks fit so to direct, be transferred to the official trustees of charitable funds or the Church Commissioners respectively in trust for the charity or ecclesiastical corporation upon the trusts upon which the funds were held before the transfer.

(2) Notwithstanding anything in the enactments relating to the said court or in any rule or order made thereunder, no fees shall be payable under those Acts or any such rule or order in respect of a transfer of funds made under this section.

(3) In this section—

“ecclesiastical corporation” means any ecclesiastical corporation within the meaning of the Episcopal and Capitular Estates Act, 1851, and includes the incumbent of a benefice ;

“benefice” means a benefice with or without cure of souls, and includes rectories and vicarages, perpetual curacies and endowed public chapels, parochial chapelries and chapelries or districts belonging or reputed to belong, or annexed or reputed to be annexed, to any church or chapel.

Qualifications
of Land
Registrars.

53. A person shall not be qualified to be appointed Chief Land Registrar unless he is either a barrister or solicitor of not less than ten years' standing, and a person shall not be qualified to be appointed a registrar or an assistant registrar in the Land Registry unless he is either a barrister or solicitor of not less than five years' standing.

Financial
provisions.

54.—(1) There shall be paid out of moneys provided by Parliament—

(a) any remuneration allowed to a person appointed under section twenty-two of this Act ; and

(b) any increase attributable to section twelve or section twenty-five of this Act in the sums which fall to be so

paid under any enactment relating to the salaries or superannuation of officers of the Supreme Court or of county courts.

PART VI
—cont.

(2) There shall be paid into the Exchequer any increase in the sums which fall to be so paid under subsection (3) of section twenty-five of the Administration of Justice (Pensions) Act, 1950.

55.—(1) The provisions of Parts I and II of the First Schedule to this Act (being provisions corresponding respectively to Part I and section forty of this Act) shall apply to Northern Ireland, and the enactments specified in Part III of that Schedule are hereby repealed as respects Northern Ireland.

Provisions as
to Northern
Ireland.

(2) The provisions of the said Schedule shall come into force on such day as the Secretary of State may appoint by order made by statutory instrument, and he may appoint different days for different purposes; but nothing in Part I of the said Schedule shall affect proceedings in respect of any cause of action arising before the coming into operation thereof.

(3) Section fifty-one of this Act shall extend to Northern Ireland.

(4) For the purposes of section six of the Government of Ireland Act, 1920, this Act shall, so far as it relates to matters within the powers of the Parliament of Northern Ireland, be deemed to be an Act passed before the appointed day within the meaning of that section.

(5) Save as provided by this section this Act shall not extend to Northern Ireland.

56.—(1) Her Majesty may by Order in Council direct that any of the provisions of Part I of this Act specified in the Order shall extend, with such exceptions, adaptations and modifications as may be so specified, to any of the Channel Islands or the Isle of Man or make, for any of the Channel Islands or the Isle of Man, provision for any purposes corresponding to the purposes of any of the provisions of the said Part I.

Provisions as
to Channel
Islands, Isle
of Man,
colonies,
protectorates,
etc.

(2) Her Majesty may by Order in Council direct, either generally or in relation to particular courts or territories, that the Colonial Courts of Admiralty Act, 1890, shall have effect as if for the reference in subsection (2) of section two thereof to the Admiralty jurisdiction of the High Court in England there were substituted a reference to the Admiralty jurisdiction of

PART VI
—cont.

that court as defined by section one of this Act, subject, however, to such adaptations and modifications of the said section one as may be specified in the Order.

(3) Her Majesty may by Order in Council direct that any of the provisions of Part I of this Act specified in the Order (other than the provisions of section one of this Act) shall extend, with such exceptions, adaptations and modifications as may be specified in the Order, to any colony, or any country or place outside Her Majesty's dominions in which for the time being Her Majesty has jurisdiction, or any territory consisting partly of one or more colonies and partly of one or more of such countries or places.

(4) Any Order in Council under this section may be revoked or varied by a subsequent Order in Council.

**Short title,
repeal, extent
and com-
mencement.**

57.—(1) This Act may be cited as the Administration of Justice Act, 1956.

(2) Subject to any saving contained in this Act, the enactments mentioned in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(3) This Act, except Part V and section fifty-one thereof, shall not extend to Scotland.

(4) The provisions of this Act, other than Part V thereof, section fifty-five thereof and the First Schedule thereto, shall come into force on such day as the Lord Chancellor may appoint by order made by statutory instrument, and he may appoint different days for different purposes.

SCHEDULES

FIRST SCHEDULE

Section 55

PROVISIONS APPLICABLE TO NORTHERN IRELAND

PART I

ADMIRALTY JURISDICTION AND OTHER PROVISIONS AS TO SHIPS

Admiralty Jurisdiction of the High Court

1.—(1) The Admiralty jurisdiction of the High Court shall be as follows, that is to say, jurisdiction to hear and determine any of the following questions or claims—

- (a) any claim to the possession or ownership of a ship or to the ownership of any share therein;
- (b) any question arising between the co-owners of a ship as to possession, employment or earnings of that ship;
- (c) any claim in respect of a mortgage of or charge on a ship or any share therein;
- (d) any claim for damage done by a ship;
- (e) any claim for damage received by a ship;
- (f) any claim for loss of life or personal injury sustained in consequence of any defect in a ship or in her apparel or equipment, or of the wrongful act, neglect or default of the owners, charterers or persons in possession or control of a ship or of the master or crew thereof or of any other person for whose wrongful acts, neglects or defaults the owners, charterers or persons in possession or control of a ship are responsible, being an act, neglect or default in the navigation or management of the ship, in the loading, carriage or discharge of goods on, in or from the ship or in the embarkation, carriage or disembarkation of persons on, in or from the ship;
- (g) any claim for loss of or damage to goods carried in a ship;
- (h) any claim arising out of any agreement relating to the carriage of goods in a ship or to the use or hire of a ship;
- (j) subject to the provisions of section five hundred and forty-seven of the Merchant Shipping Act, 1894, (which requires salvage disputes to be determined summarily in certain cases), any claim in the nature of salvage (including any claim arising by virtue of the application, by or under section fifty-one of the Civil Aviation Act, 1949, of the law relating to salvage to aircraft and their apparel and cargo);
- (k) any claim in the nature of towage in respect of a ship or an aircraft;
- (l) any claim in the nature of pilotage in respect of a ship or an aircraft;
- (m) any claim in respect of goods or materials supplied to a ship for her operation or maintenance;
- (n) any claim in respect of the construction, repair or equipment of a ship or dock charges or dues;

1ST SCH.
—cont.

- (o) any claim by a master or member of the crew of a ship for wages and any claim by or in respect of a master or member of the crew of a ship for any money or property which, under any of the provisions of the Merchant Shipping Acts, 1894 to 1954, is recoverable as wages or in the court and in the manner in which wages may be recovered;
- (p) any claim by a master, shipper, charterer or agent in respect of disbursements made on account of a ship;
- (q) any claim arising out of an act which is or is claimed to be a general average act;
- (r) any claim arising out of bottomry;
- (s) any claim for the forfeiture or condemnation of a ship or of goods which are being or have been carried, or have been attempted to be carried, in a ship or for the restoration of a ship or any such goods after seizure, or for droits of Admiralty,

together with any other jurisdiction which was vested in the Court of Admiralty of Ireland immediately before the date of the commencement of the Court of Admiralty (Ireland) Act, 1867, and any other jurisdiction exercisable by the High Court by virtue of any Act which came into operation on or after that date as being a court with Admiralty jurisdiction.

(2) The jurisdiction of the High Court under paragraph (b) of sub-paragraph (1) of this paragraph includes power to settle any account outstanding and unsettled between the parties in relation to the ship, and to direct that the ship, or any share thereof, shall be sold, and to make such other order as the court thinks fit.

(3) The reference in paragraph (j) of sub-paragraph (1) of this paragraph to claims in the nature of salvage includes a reference to such claims for services rendered in saving life from a ship or an aircraft or in preserving cargo, apparel or wreck as, under sections five hundred and forty-four to five hundred and forty-six of the Merchant Shipping Act, 1894, or any Order in Council made under section fifty-one of the Civil Aviation Act, 1949, are authorised to be made in connection with a ship or an aircraft.

(4) The preceding provisions of this paragraph apply—

- (a) in relation to all ships or aircraft, whether British or not and whether registered or not and wherever the residence or domicile of their owners may be;
- (b) in relation to all claims, wheresoever arising (including, in the case of cargo or wreck salvage, claims in respect of cargo or wreck found on land); and
- (c) so far as they relate to mortgages and charges, to all mortgages or charges, whether registered or not and whether legal or equitable, including mortgages and charges created under foreign law;

Provided that nothing in this sub-paragraph shall be construed as extending the cases in which money or property is recoverable under any of the provisions of the Merchant Shipping Acts, 1894 to 1954.

1st Sch.
—cont.

(5) The Admiralty jurisdiction of the High Court, as defined by the preceding provisions of this paragraph, shall be in lieu of any jurisdiction, other than a jurisdiction exercisable by way of appeal, exercisable by the High Court by reason of the union and consolidation of the Court of Admiralty of Ireland with the Supreme Court of Judicature of Ireland effected under section nine of the Supreme Court of Judicature Act (Ireland) 1877, and section six of the Supreme Court of Judicature (Ireland) (No. 2) Act, 1897, shall have effect accordingly; but nothing in this paragraph shall deprive the High Court of any jurisdiction exercisable by way of appeal by reason of the said union and consolidation or of any jurisdiction relating to or connected with ships or aircraft exercisable by the High Court otherwise than by virtue of the said section nine and the said section six.

Admiralty jurisdiction of Belfast county court

2.—(1) Subject to the limitations of amount specified in sub-paragraph (2) hereof, the local court (that is to say, the Court of the Recorder of Belfast) shall have the following Admiralty jurisdiction, that is to say, jurisdiction as respects any such claims as are mentioned in paragraphs (d) to (p) of sub-paragraph (1) of paragraph 1 of this Part of this Schedule, and sub-paragraphs (3) and (4) of that paragraph shall, with necessary modifications, have effect in relation to that court:

Provided that in applying the said sub-paragraph (1) for the purposes of this paragraph the saving in paragraph (j) of the said sub-paragraph (1) for section five hundred and forty-seven of the Merchant Shipping Act, 1894, shall be left out of account.

(2) The limitations of amount referred to in sub-paragraph (1) of this paragraph are as follows, that is to say, that the local court shall not have jurisdiction by virtue of this paragraph to hear and determine any claim for an amount exceeding one thousand pounds except in the case of a claim in the nature of salvage where the value of the property saved does not exceed three thousand five hundred pounds.

(3) Admiralty proceedings may be commenced in the local court if, and only if, either—

- (a) in the case of an action in rem or in personam, the property to which the action relates is at the commencement of the proceedings within the district, for Admiralty purposes, of the local court; or
- (b) in the case of an action in personam, the defendant or one or more of the defendants resides or reside or has or have a place of business within that district.

The district, for Admiralty purposes, of the local court shall be the county borough of Belfast and the counties of Down and Antrim with the parts of the sea adjacent to that borough and those counties to a distance of three miles from the shore thereof.

(4) If, as respect any proceedings as to any such claim as is mentioned in sub-paragraph (1) of this paragraph, the parties agree, by a memorandum signed by them or by their respective solicitors or agents, that the local court shall have jurisdiction in the proceedings, the local court shall, notwithstanding anything in sub-paragraph (2) or sub-paragraph (3) of this paragraph, have jurisdiction to hear and determine the proceedings accordingly.

1ST SCH.
--cont.

(5) The preceding provisions of this paragraph shall have effect in lieu of the provisions of sections seventy-four and seventy-five of the Court of Admiralty (Ireland) Act, 1867, and section three of the Court of Admiralty (Ireland) Amendment Act, 1876, and the other provisions of those Acts shall have effect accordingly; and the references in section seventy-seven of the said Act of 1867 to the limit in respect of amount and in section four of the said Act of 1876 to the limit fixed by either of those Acts shall be construed as references to the limitations of amount specified in sub-paragraph (2) of this paragraph.

(6) Nothing in this paragraph shall be taken to confer on the local court the jurisdiction of a Prize Court within the meaning of the Naval Prize Acts, 1864 to 1916.

Mode of exercise of Admiralty jurisdiction

3.—(1) Subject to the provisions of the next following paragraph, the Admiralty jurisdiction of the High Court or the local court may in all cases be invoked by an action in personam.

(2) The Admiralty jurisdiction of the High Court may in the cases mentioned in paragraphs (a) to (c) and (s) of sub-paragraph (1) of paragraph 1 of this Part of this Schedule be invoked by an action in rem against the ship or property in question.

(3) In any case in which there is a maritime lien or other charge on any ship, aircraft or other property for the amount claimed, the Admiralty jurisdiction of the High Court or the local court may be invoked by an action in rem against that ship, aircraft or property.

(4) In the case of any such claim as is mentioned in paragraphs (d) to (r) of sub-paragraph (1) of paragraph 1 of this Part of this Schedule being a claim arising in connection with a ship, where the person who would be liable on the claim in an action in personam was, when the cause of action arose, the owner or charterer of, or in possession or control of, the ship, the Admiralty jurisdiction of the High Court or (where it has such jurisdiction) the local court may (whether the claim gives rise to a maritime lien on the ship or not) be invoked by an action in rem against—

(a) that ship, if at the time when the action is brought, it is beneficially owned as respects all the shares therein by that person; or

(b) any other ship which at the time when the action is brought, is beneficially owned as aforesaid.

(5) In the case of a claim in the nature of towage or pilotage in respect of an aircraft, the Admiralty jurisdiction of the High Court or the local court may be invoked by an action in rem against that aircraft if at the time when the action is brought it is beneficially owned by the person who would be liable on the claim in an action in personam.

(6) Notwithstanding anything in the preceding provisions of this paragraph, the Admiralty jurisdiction of the High Court or the local court shall not be invoked by an action in rem in the case of any such claim as is mentioned in paragraph (o) of sub-paragraph (1) of paragraph 1 of this Part of this Schedule unless the claim relates wholly or partly to wages (including any sum allotted out of wages or adjudged by a superintendent to be due by way of wages).

(7) Where, in the exercise of its Admiralty jurisdiction, the High Court or the local court orders any ship, aircraft or other property to be sold, the court shall have jurisdiction to hear and determine any question arising as to the title to the proceeds of sale.

1ST SCH.
—cont.

(8) In determining for the purposes of sub-paragraphs (4) and (5) of this paragraph whether a person would be liable on a claim in an action in personam it shall be assumed that he has his habitual residence or a place of business in Northern Ireland.

Jurisdiction in personam of courts in collision and other similar cases

4.—(1) No court in Northern Ireland shall entertain an action in personam to enforce a claim to which this paragraph applies unless—

- (a) the defendant has his habitual residence or a place of business within Northern Ireland; or
- (b) the cause of action arose within inland waters of Northern Ireland or within the limits of a port of Northern Ireland; or
- (c) an action arising out of the same incident or series of incidents is proceeding in the court or has been heard and determined in the court.

In this sub-paragraph—

“inland waters” includes any part of the sea adjacent to the coast of the United Kingdom certified by the Secretary of State to be waters falling by international law to be treated as within the territorial sovereignty of Her Majesty apart from the operation of that law in relation to territorial waters;

“port” means any port, harbour, river, estuary, haven, dock, canal or other place so long as a person or body of persons is empowered by or under an Act to make charges in respect of ships entering it or using the facilities therein, and “limits of a port” means the limits thereof as fixed by or under the Act in question or, as the case may be, by the relevant charter or custom;

“charges” means any charges with the exception of light dues, local light dues and any other charges in respect of light-houses, buoys or beacons and of charges in respect of pilotage.

(2) No court in Northern Ireland shall entertain an action in personam to enforce a claim to which this paragraph applies until any proceedings previously brought by the plaintiff in any court outside Northern Ireland against the same defendant in respect of the same incident or series of incidents have been discontinued or otherwise come to an end.

(3) The preceding provisions of this paragraph shall apply to counter-claims (not being counter-claims in proceedings arising out of the same incident or series of incidents) as they apply to actions in personam, but as if the references to the plaintiff and the defendant were respectively references to the plaintiff on the counter-claim and the defendant to the counter-claim.

(4) The preceding provisions of this paragraph shall not apply to any action or counter-claim if the defendant thereto submits or has agreed to submit to the jurisdiction of the court.

1ST SCH.
—cont.

(5) Subject to the provisions of sub-paragraph (2) of this paragraph, the High Court shall have jurisdiction to entertain an action in personam to enforce a claim to which this paragraph applies whenever any of the conditions specified in paragraphs (a) to (c) of sub-paragraph (1) of this paragraph are satisfied, and the rules of court relating to the service of process outside the jurisdiction shall make such provision as may appear to the rule-making authority to be appropriate having regard to the provisions of this sub-paragraph.

(6) Nothing in this paragraph shall prevent an action or counter-claim which is brought in accordance with the provisions of this paragraph in the High Court or any other court in Northern Ireland being transferred, in accordance with the enactments in that behalf, to some other court in Northern Ireland.

(7) The claims to which this paragraph applies are claims for damage, loss of life or personal injury arising out of a collision between ships or out of the carrying out of or omission to carry out a manoeuvre in the case of one or more of two or more ships or out of non-compliance, on the part of one or more of two or more ships, with the collision regulations.

(8) For the avoidance of doubt it is hereby declared that this paragraph applies in relation to the jurisdiction of any court not being Admiralty jurisdiction, as well as in relation to its Admiralty jurisdiction, if any.

Wages

5.—(1) Section one hundred and sixty-five of the Merchant Shipping Act, 1894 (which imposes restrictions on suits for wages), is hereby repealed.

(2) Nothing in this Part of this Schedule shall be construed as limiting the jurisdiction of the court to refuse to entertain an action for wages by the master or a member of the crew of a ship not being a British ship.

Courts in Northern Ireland not to have jurisdiction in cases falling within Rhine Convention

6. No court in Northern Ireland shall have jurisdiction to determine any claim or question certified by the Secretary of State to be a claim or question which, under the Rhine Navigation Convention, falls to be determined in accordance with the provisions thereof and any proceedings to enforce such a claim which are commenced in any such court shall be set aside.

Repeals and savings

7.—(1) Section six hundred and eighty-eight of the Merchant Shipping Act, 1894, the Shipowners' Negligence (Remedies) Act, 1905, and the Merchant Shipping (Stevedores and Trimmers) Act, 1911 (which relate to the detention of ships by customs officers in certain cases), and so much of subsection (2) of section forty-six of the Diseases of Animals Act, 1894, as enables a local authority to recover expenses in burying or destroying carcasses in the same manner as salvage is recoverable, shall cease to have effect, but nothing in this Part of this Schedule affects the provisions of section five hundred and fifty-two of the Merchant Shipping Act, 1894 (which relates to the power of a receiver of wreck to detain a ship in respect of a salvage claim).

(2) Nothing in this Part of this Schedule shall authorise proceedings in rem in respect of any claim against the Crown, or the arrest, detention or sale of any of Her Majesty's ships or Her Majesty's aircraft, or of any cargo or other property belonging to the Crown.

In this sub-paragraph "Her Majesty's ships" and "Her Majesty's aircraft" have the meanings assigned to them by subsection (2) of section thirty-eight of the Crown Proceedings Act, 1947.

(3) Nothing in this Part of this Schedule shall affect section five of the Mail Ships Act, 1891 (which protects certain mail ships from arrest in certain circumstances).

Interpretation

8.—(1) In this Part of this Schedule, unless the context otherwise requires—

"Act" includes an Act of the Parliament of Northern Ireland, and "enactment" shall be construed accordingly;

"collision regulations" means regulations under section four hundred and eighteen of the Merchant Shipping Act, 1894, or any such rules as are mentioned in subsection (1) of section four hundred and twenty-one of that Act, or any rules made under subsection (2) of the said section four hundred and twenty-one;

"goods" includes baggage;

"master" has the same meaning as in the Merchant Shipping Act, 1894, and accordingly includes every person (except a pilot) having command or charge of a ship;

"ship" includes any description of vessel used in navigation;

"towage" and "pilotage", in relation to an aircraft, means towage and pilotage while the aircraft is waterborne;

"the Rhine Navigation Convention" means the Convention of the seventh of October, eighteen hundred and sixty-eight, as revised by any subsequent Convention.

(2) Any reference in this Part of this Schedule to any enactment shall be construed as a reference to that enactment as it has effect in Northern Ireland.

PART II

EFFECT OF REGISTRATION OF JUDGMENTS OF COURTS OUTSIDE NORTHERN IRELAND

Where, whether before or after the passing of this Act,—

(a) a certificate of a judgment of the High Court in England and Wales or of a decret of the Court of Session has been registered in the High Court in Northern Ireland under section one or section three of the Judgments Extension Act, 1868; or

(b) a judgment, as defined in Part II of the Administration of Justice Act, 1920, has been registered in the High Court in Northern Ireland under the said Part II; or

K

1st Sch.
—cont.

1st Sch.
—cont.

(c) a certificate of a judgment, as defined in the Inferior Courts Judgments Extension Act, 1882, has been registered in the High Court in Northern Ireland or in any county court in Northern Ireland,

the like proceedings may be taken for the enforcement of the judgment or decret (whether by process of execution, or by proceedings for the committal of any person who makes default, or by the registration of an affidavit operating as a mortgage or by any other means) as might be taken under the law for the time being in force if the judgment or decret had been a judgment of the court in which the registration has taken place, and any enactments (including enactments of the Parliament of Northern Ireland) relating to the enforcement of judgments by any such means as aforesaid shall have effect accordingly.

PART III

ENACTMENTS REPEALED AS RESPECTS NORTHERN IRELAND

Session and Chapter	Short title	Extent of Repeal
30 & 31 Vict. c. 114.	The Court of Admiralty (Ireland) Act, 1867.	Sections seven, twenty-seven to thirty-eight and seventy-four and seventy-five, and in section seventy-eight, the words "in some other local court or" the words "to such other local court or", and the words "(as the case may be)".
39 & 40 Vict. c. 28.	The Court of Admiralty (Ireland) Amendment Act, 1876.	Sections three, fifteen and sixteen.
40 & 41 Vict. c. 56.	The County Officers and Courts (Ireland) Act, 1877.	Section forty-nine.
57 & 58 Vict. c. 57.	The Diseases of Animals Act, 1894.	In subsection (2) of section forty-six the words from "and the local authority" to the end of the subsection.
57 & 58 Vict. c. 60.	The Merchant Shipping Act, 1894.	Sections one hundred and sixty-five, five hundred and sixty-five and six hundred and eighty-eight.
5 Edw. 7. c. 10.	The Shipowners' Negligence (Remedies) Act, 1905.	The whole Act.
1 & 2 Geo. 5. c. 41.	The Merchant Shipping (Stevedores and Trimmers) Act, 1911.	The whole Act.
1 & 2 Geo. 5. c. 57.	The Maritime Conventions, Act, 1911.	Section five.

SECOND SCHEDULE

Section 57.

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
3 Geo. 4. c. 39	The Warrants of Attorney Act, 1822.	The whole Act.
1 & 2 Vict. c. 110.	The Judgments Act, 1838.	Section eleven.
6 & 7 Vict. c. 66.	The Warrants of Attorney Act, 1843.	The whole Act.
18 & 19 Vict. c. 15.	The Judgments Act, 1855.	Section eleven.
20 & 21 Vict. c. clvii.	The Mayor's Court of London Procedure Act, 1857.	In section forty-eight, the proviso.
27 & 28 Vict. c. 112.	The Judgments Act, 1864.	The whole Act.
32 & 33 Vict. c. 62.	The Debtors Act, 1869.	Sections twenty-four to twenty-eight.
35 & 36 Vict. c. 86.	The Borough and Local Courts of Record Act, 1872.	Section six.
38 & 39 Vict. c. 90.	The Employers and Workmen Act, 1875.	In section nine, the words from "and no goods" to "by a county court".
46 & 47 Vict. c. 52.	The Bankruptcy Act, 1883.	Section one hundred and forty-six.
54 & 55 Vict. c. 8.	The Tithe Act, 1891.	Subsection (8) of section two to the words "this Act, and"; the Schedule.
57 & 58 Vict. c. 60.	The Merchant Shipping Act, 1894.	Sections one hundred and sixty-five and six hundred and eighty-eight.
5 Edw. 7. c. 10	The Shipowners' Negligence (Remedies) Act, 1905.	The whole Act.
1 & 2 Geo. 5. c. 41.	The Merchant Shipping (Stevedores and Trimmers) Act, 1911.	The whole Act.
10 & 11 Geo. 5. c. 17.	The Increase of Rent and Mortgage Interest (Restrictions) Act, 1920.	Subsection (4) of section five except the words:—"Notwithstanding anything in section one of the Small Tenements Recovery Act, 1838, every warrant to enter and give possession of any dwelling-house to which this Act applies shall remain in force for three months from the date of the issue of the warrant and for such further period or periods, if any, as the court shall from time to time, whether before or after the expiration of such three months, direct".

2ND SCH.
—cont.

Session and Chapter	Short Title	Extent of Repeal
15 & 16 Geo. 5. c. 19.	The Trustee Act, 1925.	In subsection (4) of section twenty-five, the words "within ten days after the execution thereof or where not executed within the United Kingdom within ten days after its receipt in the United Kingdom".
15 & 16 Geo. 5. c. 20.	The Law of Property Act, 1925.	Subsections (1), (2), (3) and (5) of section one hundred and ninety-five.
15 & 16 Geo. 5. c. 21.	The Land Registration Act, 1925.	Subsection (2) of section one hundred and twenty-six.
15 & 16 Geo. 5. c. 49.	The Supreme Court of Judicature (Consolidation) Act, 1925.	Section twenty-two; in section thirty-one, in subsection (1), paragraph (g); section thirty-three; section sixty-two; sections eighty-six to ninety-seven; in section ninety-nine, in paragraph (d) of subsection (1), the words from the beginning of the paragraph to "Supreme Court and"; in section one hundred and twenty-five, in subsection (1), the words from "who" to the end of the subsection and in subsection (2), the words "and the tenure of their office"; in section one hundred and sixty-nine, in subsection (1), the word "personal"; subsection (4) of section two hundred and fourteen; in section two hundred and seventeen, in subsection (2), the words "shall not be less than six in number and".
16 & 17 Geo. 5. c. 11.	The Law of Property (Amendment) Act, 1926.	The entry in the Schedule relating to section twenty-five of the Trustee Act, 1925.
18 & 19 Geo. 5. c. 26.	The Administration of Justice Act, 1928.	In section ten, the word "personal".
22 & 23 Geo. 5. c. 55.	The Administration of Justice Act, 1932.	Section one.
24 & 25 Geo. 5. c. 53.	The County Courts Act, 1934.	In subsection (1) of section four, paragraph (a) of the proviso; in the proviso to subsection (1) of section twenty-one the words "an assistant registrar or", paragraph (a), in paragraph (b) the words "in the case of a civil servant", the words "a person employed

2ND SCH.
—cont.

Session and Chapter	Short Title	Extent of Repeal
24 & 25 Geo. 5. c. 53—cont.	The County Courts Act, 1934—cont.	in court service or” and the words “ as the case may be ”; subsection (2) of section twenty-five; in section twenty-six, the words from the first “ and ” to “ section ”; in subsection (4) of section twenty-nine, the words “ as an assistant registrar or ”; subsections (1) to (7) of section fifty-six; subsection (2) of section fifty-eight; in subsection (8) of section ninety-nine, the words from “ (subject to the concurrence ” to “ of that Act) ”; in subsection (1) of section one hundred and twenty-seven, the word “ sworn ”; section one hundred and thirty-six; in section one hundred and thirty-nine, paragraph (i); the proviso to section one hundred and fifty-two; in section one hundred and fifty-seven, the words “ with the concurrence of the President of the Board of Trade ”; in subsection (1) of section one hundred and sixty-four, the words “ the King’s Bench Division of ” and the words “ or in an admiralty action in the Probate, Divorce and Admiralty Division of that Court ”.
14 Geo. 6. c. 25	The Matrimonial Causes Act, 1950.	In subsection (3) of section seventeen, the words before the proviso.
14 Geo. 6. c. 36	The Diseases of Animals Act, 1950.	In subsection (2) of section seventy-five, the words from “ and the local authority ” to the end of the subsection.
4 & 5 Eliz. 2. c. 8.	The County Courts Act, 1955.	Subsection (1) of section three.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Warrants of Attorney Act, 1822	3 Geo. 4. c. 39.
Warrants of Attorney Act, 1843	6 & 7 Vict. c. 66.
Small Debts Act, 1845	8 & 9 Vict. c. 127.
High Peak Mining Customs and Mineral Courts Act, 1851.	14 & 15 Vict. c. 94.
Episcopal and Capitular Estates Act, 1851 ...	14 & 15 Vict. c. 104.
Derbyshire Mining Customs and Mineral Courts Act, 1852.	15 & 16 Vict. c. clxiii.
Court of Admiralty (Ireland) Act, 1867	30 & 31 Vict. c. 114.
Judgments Extension Act, 1868	31 & 32 Vict. c. 54.
Promissory Oaths Act, 1868	31 & 32 Vict. c. 72.
Debtors Act, 1869	32 & 33 Vict. c. 62.
Supreme Court of Judicature Act, 1873	36 & 37 Vict. c. 66.
Employers and Workmen Act, 1875	38 & 39 Vict. c. 90.
Court of Admiralty (Ireland) Amendment Act, 1876.	39 & 40 Vict. c. 28.
Supreme Court of Judicature Act (Ireland), 1877	40 & 41 Vict. c. 57.
Inferior Courts Judgments Extension Act, 1882	45 & 46 Vict. c. 31.
Law of Distress Amendment Act, 1888	51 & 52 Vict. c. 21.
Colonial Courts of Admiralty Act, 1890... ..	53 & 54 Vict. c. 27.
Tithe Act, 1891	54 & 55 Vict. c. 8.
Mail Ships Act, 1891	54 & 55 Vict. c. 31.
Diseases of Animals Act, 1894	57 & 58 Vict. c. 57.
Merchant Shipping Act, 1894	57 & 58 Vict. c. 60.
Supreme Court of Judicature (Ireland) (No. 2) Act, 1897.	60 & 61 Vict. c. 66.
Shipowners' Negligence (Remedies) Act, 1905 ...	5 Edw. 7. c. 10.
Sheriff Courts (Scotland) Act, 1907	7 Edw. 7. c. 51.
Merchant Shipping (Stevadores and Trimmers) Act, 1911	1 & 2 Geo. 5. c. 41.
Bankruptcy Act, 1914	4 & 5 Geo. 5. c. 59.
Increase of Rent and Mortgage Interest (Restrictions) Act, 1920	10 & 11 Geo. 5. c. 17.
Government of Ireland Act, 1920	10 & 11 Geo. 5. c. 67.
Administration of Justice Act, 1920	10 & 11 Geo. 5. c. 81.
Liverpool Corporation Act, 1921... ..	20 & 21 Geo. 5. c. liv.
Trustee Act, 1925	15 & 16 Geo. 5. c. 19.
Law of Property Act, 1925	15 & 16 Geo. 5. c. 20.
Land Registration Act, 1925	15 & 16 Geo. 5. c. 21.
Land Charges Act, 1925	15 & 16 Geo. 5. c. 22.
Supreme Court of Judicature (Consolidation) Act, 1925	15 & 16 Geo. 5. c. 49.
Law of Property (Amendment) Act, 1926 ...	16 & 17 Geo. 5. c. 11.
Administration of Justice Act, 1928	18 & 19 Geo. 5. c. 26.
Administration of Justice Act, 1932	22 & 23 Geo. 5. c. 55.
Foreign Judgments (Reciprocal Enforcement) Act, 1933	23 & 24 Geo. 5. c. 13.
Administration of Justice (Miscellaneous Provisions) Act, 1933	23 & 24 Geo. 5. c. 36.
County Courts Act, 1934	24 & 25 Geo. 5. c. 53.
Superannuation Act, 1935... ..	25 & 26 Geo. 5. c. 23.
Tithe Act, 1936	26 Geo. 5. & 1 Edw. 8. c. 43.

Short Title	Session and Chapter
Crown Proceedings Act, 1947	10 & 11 Geo. 6. c. 44.
Companies Act, 1948	11 & 12 Geo. 6. c. 38.
Civil Aviation Act, 1949	12, 13 & 14 Geo. 6. c. 67.
Justices of the Peace Act, 1949	12, 13 & 14 Geo. 6. c. 101.
Matrimonial Causes Act, 1950	14 Geo. 6. c. 25.
Diseases of Animals Act, 1950	14 Geo. 6. c. 36.
Administration of Justice (Pensions) Act, 1950...	14 & 15 Geo. 6. c. 11.
Magistrates' Courts Act, 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 55.

CHAPTER 47

An Act to provide for altering the extent to which deductions from widows' benefits and retirement pensions under the National Insurance Act, 1946, are to be made in respect of earnings. [5th July, 1956]

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 (5) of section twenty of the National Insurance Act, 1946, as amended by subsection (6) of section four of the National Insurance Act, 1951 (which requires the weekly rate of a retirement pension to be reduced by the amount of any earnings of the beneficiary in excess of forty shillings) shall have effect as respects any week commencing on or after such day as the Minister may by order made by statutory instrument appoint (in this Act referred to as "the appointed day") as if—

- (a) for the words "forty shillings for the week preceding" there were substituted the words "fifty shillings for the calendar week ending last before"; and
- (b) for the words from "one" to "excess" there were substituted the words "sixpence for each complete shilling of the excess and a further sixpence for each complete shilling by which the earnings exceeded seventy shillings".

(2) Subsection (3) of section seventeen of the National Insurance Act, 1946, as amended by subsection (3) of section two of the National Insurance Act, 1951 (which requires the weekly rate of benefit to be reduced by the amount of any earnings of the

beneficiary in excess of, in the case of a widowed mother's allowance, sixty shillings or, in the case of a widow's pension, forty shillings) shall have effect as respects any week commencing on or after the appointed day as if—

- (a) in paragraph (a), for the words " week preceding " there were substituted the words " calendar week ending last before " ;
- (b) in paragraph (b), for the words " forty shillings for the week preceding " there were substituted the words " fifty shillings for the calendar week ending last before " ; and
- (c) for the words from " one " to " excess " there were substituted the words " sixpence for each complete shilling of the excess and a further sixpence for each complete shilling by which the earnings exceeded, in the case of a widowed mother's allowance, eighty shillings or, in the case of a widow's pension, seventy shillings " .

Regulations.

2. The Minister may make regulations amending the provisions of subsection (3) of section seventeen and subsection (5) of section twenty of the National Insurance Act, 1946, as amended by the National Insurance Act, 1951, and this Act, by altering—

- (a) the amount of earnings which is taken into consideration in calculating the weekly rate of the allowance or pension of any classes of beneficiary;
- (b) the sum by which the weekly rate of the allowance or pension is to be reduced for each shilling of the excess.

Regulations to be approved in draft by Parliament.

3. No regulations shall be made under section two of this Act unless a draft thereof has been laid before Parliament and has been approved by a resolution of each House of Parliament.

Short title, citation and construction.

4.—(1) This Act may be cited as the National Insurance Act, 1956.

(2) This Act shall be construed as one with the National Insurance Act, 1946, and may be cited together with the National Insurance Acts, 1946 to 1955, as the National Insurance Acts, 1946 to 1956.



CHAPTER 48

Sugar Act, 1956

ARRANGEMENT OF SECTIONS

Establishment and functions of Sugar Board

Section

1. Establishment and principal functions of Sugar Board.
2. Constitution of Sugar Board.
3. Further provisions as to functions of Sugar Board.
4. Finances of Sugar Board.
5. Power for Minister to advance sums to Sugar Board.
6. Annual report and accounts of Sugar Board.

Surcharge on imported and home-produced sugar and molasses

7. General provisions as to surcharge.
8. Surcharge repayments.
9. Special provisions as to composite sugar products.
10. Provisions as to surcharge, and surcharge repayments, in other special cases.
11. Supplementary provisions as to surcharge and surcharge repayments.
12. Application of proceeds of surcharge.

Suspension of surcharge and provision for distribution payments by Sugar Board

13. Suspension of surcharge.
14. Distribution payments by Sugar Board.
15. Provision for distribution repayments to Sugar Board.
16. Supplementary provisions as to distribution payments and repayments.

Provisions relating to British Sugar Corporation Limited

17. Purchase of home-grown beet by Corporation.
18. Research and education in sugar beet growing.
19. Agreements for incentive payments to Corporation.
20. General provisions as to financial relations between Corporation and Sugar Board.
21. Advances by Sugar Board to Corporation.
22. Power of Treasury to guarantee debentures of Corporation.
23. Functions of Ministers in relation to Corporation.
24. Wages and conditions of employment of employees of Corporation.

Miscellaneous and supplementary provisions

25. Sugar refining agreements.
26. Default powers of Minister in relation to sugar refining agreements.
27. Limitation of sugar refiners' margin.
28. Penalties for offences under ss. 26 and 27.
29. Restriction of imports in pursuance of international sugar agreements.
30. Transitional provisions as to arrangements for purchase of sugar for export trade.
31. Payments by Sugar Board in respect of Minister's contracts for sale of sugar for home trade.

K*

Section

- 32. Dissolution of Sugar Commission, and repeals.
- 33. Regulations and orders.
- 34. Administrative expenses.
- 35. Interpretation.
- 36. Short title and extent.

SCHEDULES :

First Schedule—Commonwealth Sugar Agreement.

Second Schedule—Provisions as to Sugar Board.

Third Schedule—Annual Report and Accounts of Sugar Board.

Fourth Schedule—Transitional provisions as to finances of British Sugar Corporation Limited.

An Act to provide for the establishment of a Sugar Board, and to make provision as to the functions and finances of the Board, including provision for a surcharge on sugar and molasses and provision for distributing any surplus revenues of the Board; to make further provision as respects the British Sugar Corporation Limited, to dissolve the Sugar Commission, and otherwise to make new provision as respects the sugar industry in, and the importation of sugar and related goods into, the United Kingdom; and for purposes connected with the matters aforesaid. [5th July, 1956]

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:—

Establishment and functions of Sugar Board

Establishment and principal functions of Sugar Board.

1.—(1) There shall be established a Board, to be called the Sugar Board, who shall, as from the appointed day, perform the functions assigned to them by or under this Act.

(2) Without prejudice to any other functions assigned to them by or under this Act, the Sugar Board shall as from the appointed day be charged with the duties—

- (a) of purchasing Commonwealth sugar, at prices periodically negotiated in accordance with the Commonwealth Sugar Agreement, in fulfilment of the Government's contractual obligations under that agreement, and
- (b) in cases where the Board are specially directed to do so by the Minister of Agriculture, Fisheries and Food (in this Act referred to as "the Minister"), of acting,

either as principals or as agents of the Minister, in the purchase of Commonwealth sugar the purchase of which does not fall within the Government's said obligations.

(3) Before giving any directions for the purposes of paragraph (b) of the last preceding subsection, the Minister shall consult the Sugar Board and such one or more undertakings as appear to him to be the principal importers of sugar into the United Kingdom.

(4) To such extent as the Minister may direct, the functions of the Sugar Board under paragraph (a) of subsection (2) of this section shall extend to the purchase by the Board, in place of the Minister, of sugar which, on the appointed day, the Minister is under contract to purchase as mentioned in that paragraph.

(5) For the purposes of this Act all sugar purchased by the Sugar Board shall be taken to be purchased by them as principals, except in the case of sugar which they are expressly directed to purchase as agents of the Minister.

(6) The price at which the Sugar Board sell sugar, which they have purchased as principals, shall be such as appears to the Board to be the best price reasonably obtainable for the sugar, having regard to the date of delivery and the other terms and conditions of the sale :

Provided that where, in accordance with any directions of the Minister, any such sugar is to be sold by the Board in fulfilment of the Government's contractual obligations under any agreement (whether made before or after the passing of this Act), the Minister may direct the Board to offer the sugar for sale at prices fixed in accordance with that agreement.

(7) The Sugar Board shall not transport or store any sugar purchased by them as principals unless required to do so by any general or special directions of the Minister.

(8) The Board shall sell, hold or otherwise deal with any sugar purchased by them as agents of the Minister in accordance with any general or special directions of the Minister given in that behalf.

(9) In this Act "the Commonwealth Sugar Agreement" means the agreement of which particulars are set out in the First Schedule to this Act, and includes any variation or extension of that agreement (whether made before or after the passing of this Act) and any agreement made after the passing of this Act whereby that agreement is superseded, and "Commonwealth sugar" means sugar exported or to be exported from

any territory which, in respect of the sugar industry and exporters therein, is for the time being represented for the purposes of the Commonwealth Sugar Agreement by a party to that agreement, whether an original party thereto or not.

Constitution
of Sugar
Board.

2.—(1) The Sugar Board shall consist of a chairman and such number of other members, not exceeding four, as the Minister may from time to time determine.

(2) Members of the Board, including the chairman, may be appointed either as whole-time or as part-time members, so however that not more than three of them shall be appointed as whole-time members of the Board.

(3) All the members of the Board shall be appointed by the Minister, and, in the case of members other than the chairman, shall be so appointed after consultation with the chairman.

(4) Every member of the Board shall hold and vacate his office in accordance with the terms of his appointment, and shall, on ceasing to be a member, be eligible for re-appointment; but any member may at any time resign his office by notice in writing to the Minister.

(5) A person shall be disqualified for being appointed, or being, a member of the Board so long as he is a member of the Commons House of Parliament, or of the Senate or House of Commons of Northern Ireland.

(6) Before appointing a person to be a whole-time member of the Board, the Minister shall satisfy himself that the said person has no substantial financial interest in any business directly connected with the production, manufacture or sale of sugar, or of goods of which sugar constitutes a principal ingredient, and the Minister shall also satisfy himself from time to time with respect to every whole-time member of the Board that he has no such interest; and any person who is, or whom the Minister proposes to appoint and who has consented to be, a whole-time member of the Board shall, whenever requested by the Minister to do so, furnish him with such information as the Minister considers necessary for the performance by the Minister of his duties under this subsection.

(7) The Board—

(a) shall pay to each of their members such remuneration (whether by way of salary or fees) and such allowances as the Minister may, with the approval of the Treasury, determine in the case of those members respectively; and

(b) in the case of such members as the Minister may so determine, shall pay such pensions, or make such payments towards the provision of pensions, to or in

respect of those members as the Minister may, with the approval of the Treasury, determine in the case of those members respectively.

(8) The Minister shall, as soon as possible after the constitution of the Board, lay before each House of Parliament a statement of the remuneration and allowances that are or will be payable under the last preceding subsection; and, if any subsequent determination by him under that subsection involves a departure from the terms of that statement, or if a determination by him under that subsection relates to the payment of, or to payments towards the provision of, a pension to or in respect of a member of the Board, the Minister shall, as soon as possible after the determination, lay a statement thereof before each House of Parliament.

(9) The provisions of the Second Schedule to this Act (which relate to the procedure of, and other matters concerning, the Sugar Board) shall have effect with respect to the Board.

3.—(1) It shall be the duty of the Sugar Board to give advice to the Minister on any matters relating to sugar which he may refer to them for that purpose, including matters arising in the performance of any functions of the Minister under this Act: Further provisions as to functions of Sugar Board.

Provided that the Board shall not by virtue of this subsection be authorised or required to give advice to the Minister on matters relating to the performance by the British Sugar Corporation Limited of their functions in relation to the purchase of home-grown beet.

(2) The Sugar Board may, to such extent as the Minister may authorise them to do so,—

- (a) act as agents for him in the performance of any of his functions in so far as they relate to sugar, except functions under this Act and any power under any enactment to make orders or regulations or to give directions;
- (b) undertake on his behalf any negotiations relating to the performance of any of his functions under this Act.

(3) Where by virtue of any provision of this Act the Sugar Board act as agents for, or otherwise on behalf of, the Minister, they may so act on such terms, as to payment or otherwise, as may be agreed between the Board and the Minister.

(4) It is hereby declared that, except where the Sugar Board act as agents for the Minister under any provision of this Act, the Board are not to be regarded as the servant or agent of

the Crown or as enjoying any status, immunity or privilege of the Crown, and no property of the Board is to be regarded as property of, or held on behalf of, the Crown.

Finances of
Sugar Board.

4.—(1) The Sugar Board shall pay, out of moneys belonging to the Board, for all sugar purchased by the Board as principals, and shall be entitled to the proceeds of sale of all such sugar when it is sold by the Board.

(2) The provisions of this Act—

(a) as to the levy of a surcharge, and the payment of the net proceeds thereof to the Sugar Board, and

(b) as to the making, in certain circumstances, of distribution payments by the Board,

shall have effect respectively for enabling the Board to balance their revenue account, and for the distribution of revenues of the Board in so far as they are not required for balancing that account.

(3) References in this Act to the balancing by the Sugar Board of their revenue account are references to securing that the revenues of the Board, taking one year with another, are sufficient, but not more than sufficient, to meet all their outgoings properly chargeable to revenue account.

(4) The Sugar Board shall have power to invest, in such manner as may be approved by the Minister with the consent of the Treasury, any moneys of the Board which are not for the time being required for any other purpose.

Power for
Minister to
advance sums
to Sugar
Board.

5.—(1) For the purpose of meeting outgoings of the Sugar Board, whether chargeable to capital or to revenue account, the Minister may from time to time advance sums to the Board, on such conditions (subject to the following provisions of this section) as the Minister, with the approval of the Treasury, may determine:

Provided that the aggregate amount of the principal outstanding in respect of advances under this subsection shall not at any time exceed twenty-five million pounds.

(2) The Treasury may issue to the Minister out of the Consolidated Fund such sums as are necessary to enable him to make advances under the preceding subsection.

(3) For the purpose of providing sums (or any part of sums) to be issued under the last preceding subsection, or of providing for the replacement of all or any part 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.

(4) The Sugar Board shall make to the Minister, at such times and in such manner as he may with the approval of the Treasury direct,—

(a) payments of interest on advances to the Board under this section, at such rate as the Minister may so direct, and

(b) payments, of such amounts as the Minister may so direct, in or towards repayment of such advances.

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

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

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

(6) The Minister shall, as respects each financial year, prepare, in such form and manner as the Treasury may direct, an account of sums received by the Minister in respect of interest on advances, or in or towards repayment of advances, and of sums issued to the Minister under subsection (2) of this section, and of the disposal by the Minister of those sums respectively.

(7) Any account prepared under the last preceding subsection shall, on or before the thirtieth day of November next following the end of the financial year in question, be transmitted 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.

6.—(1) The Sugar Board shall, as soon as may be after the end of each financial year of the Board, make a report to the Minister on the performance of their functions under this Act in that year, and the Minister shall lay a copy of the report before each House of Parliament. Annual report and accounts of Sugar Board.

(2) A report of the Sugar Board for any financial year of the Board shall set out any directions given to the Board by the Minister during that year, except any direction in the case of which the Minister has notified to the Board his opinion that it should be omitted in the interests of national security.

(3) The Board shall keep proper accounts, and proper records in relation to the accounts, and shall prepare in respect of each financial year of the Board statements of account in such form as the Minister, with the approval of the Treasury, may direct; and the accounts of the Board for each financial year of the Board shall be audited by auditors to be appointed for that year by the Minister.

(4) No person shall be qualified to be so appointed auditor unless he is a member of one or more of the following bodies:—

the Institute of Chartered Accountants in England and Wales;

the Society of Incorporated Accountants;

the Institute of Chartered Accountants of Scotland;

the Association of Certified and Corporate Accountants;

the Institute of Chartered Accountants in Ireland;

any other body of accountants established in the United Kingdom and for the time being recognised for the purposes of paragraph (a) of subsection (1) of section one hundred and sixty-one of the Companies Act, 1948, by the Board of Trade.

(5) As soon as may be after the accounts of the Board have been audited, the auditors shall transmit to the Minister copies of the statements of account together with their report thereon, and the Minister shall transmit a copy of the statements and of the report to the Comptroller and Auditor General; and the Comptroller and Auditor General shall examine the statements and report, and may inspect the accounts of the Board and any records relating thereto, and shall certify the statements and lay copies thereof, together with his report thereon, before each House of Parliament.

(6) The report and statements of account of the Sugar Board for any financial year of the Board shall include the matters specified in the Third Schedule to this Act, in addition to the other matters required to be contained therein by virtue of the preceding provisions of this section.

*Surcharge on imported and home-produced sugar
and molasses*

General
provisions as
to surcharge.

7.—(1) In respect of the following sugar and molasses, that is to say,—

(a) any sugar or molasses, whether imported or home-produced, which becomes chargeable with sugar duty on or after the appointed day, and

(b) any sugar or molasses used in the manufacture of imported composite sugar products which become chargeable with sugar duty on or after that day,

a surcharge shall be payable for the benefit of the Sugar Board in accordance with the following provisions of this Act.

In the following provisions of this Act "surcharge" means surcharge payable by virtue of this section.

(2) In this Act "sugar duty" means any duty of customs or excise specifically imposed on sugar or molasses by virtue of any enactment (whether passed before or after this Act), including any such duty chargeable in the Isle of Man, and "composite sugar products" means goods containing sugar or molasses as a part or ingredient thereof; and for the purposes of this Act goods (being either sugar or molasses or composite sugar products) shall be taken to become chargeable with sugar duty if, and at the time when, they are entered for home use, removed from a warehouse, or otherwise dealt with, in such circumstances that sugar duty becomes chargeable on them:

Provided that for the purposes of this subsection duty shall be treated as not chargeable if it is wholly remitted or is otherwise not required to be paid.

(3) Subject to the following provisions of this Act, surcharge in respect of sugar shall be payable at the rate applicable to the sugar in accordance with its degree of polarisation, and surcharge in respect of molasses shall be payable at the rate applicable to the molasses according to the amount of sweetening matter which it contains; and, in the case of composite sugar products, the amount of the surcharge shall be calculated by reference to the quantity of sugar or molasses appearing to the Commissioners of Customs and Excise (in this Act referred to as "the Commissioners") to have been used in the manufacture of the products.

(4) The rates of surcharge applicable to sugar and to molasses, as mentioned in the last preceding subsection, shall be those prescribed from time to time by order made by the Minister, with the concurrence of the Treasury, on the advice of the Sugar Board.

(5) The rates prescribed by an order under the last preceding subsection shall be such rates as appear to the Minister, on the advice of the Sugar Board, to be requisite for enabling the Board to balance their revenue account, having regard—

(a) to the provisions of this Act as to the payment to the Board of the net proceeds of the surcharge, and

(b) to the financial position and prospects of the Board at the time when the order is made.

Surcharge
repayments.

8.—(1) As counterparts to the surcharge, payments (in this Act referred to as “surcharge repayments”) shall be payable, and shall be debited to the Sugar Board, in accordance with the following provisions of this Act.

(2) Surcharge repayments shall be payable in respect of the following sugar and molasses, that is to say,—

- (a)** any sugar or molasses which on or after the appointed day is exported, shipped as stores, warehoused or otherwise dealt with in such circumstances that drawback of sugar duty is payable thereon ;
- (b)** any sugar or molasses used in the manufacture of goods which, on or after the appointed day, are exported, shipped as stores, warehoused or otherwise dealt with in such circumstances that drawback of sugar duty is payable on that sugar or molasses ;
- (c)** any sugar or molasses which fulfils the following conditions, that is to say,—
 - (i)** that an article containing that sugar or molasses as a part or ingredient thereof has become chargeable with sugar duty in respect of that sugar or molasses, and
 - (ii)** that on or after the appointed day goods are exported, shipped as stores, warehoused or otherwise dealt with in such circumstances that drawback of sugar duty is payable on that article, as being an article appearing to the Commissioners to have been used in the manufacture of those goods.

(3) Subject to the following provisions of this Act, the amount of surcharge repayment payable in respect of any sugar or molasses by virtue of paragraph *(a)* or paragraph *(b)* of the last preceding subsection shall be ascertained, by reference to the subject-matter of the relevant drawback, as follows:—

- (a)** in respect of sugar, if the relevant drawback is payable thereon as being sugar produced in the United Kingdom from materials on which sugar duty has been paid, the amount of the surcharge repayment shall be the amount of surcharge which would have been payable in respect of that sugar if it had become chargeable with surcharge at the time when those materials became chargeable with sugar duty ;
- (b)** in respect of molasses, if the relevant drawback is payable thereon as being molasses produced in the United Kingdom from materials on which sugar duty has been paid, the amount of the surcharge repayment shall be calculated thereon at the rate applicable to the molasses

in accordance with the scale of rates prevailing at the time when those materials became chargeable with sugar duty ;

- (c) in respect either of sugar or of molasses, in a case not falling within either of the preceding paragraphs, the amount of the surcharge repayment shall be equal to the amount of surcharge paid in respect of that sugar or molasses.

In this subsection " the relevant drawback ", in relation to any sugar or molasses, means the drawback payable on that sugar or molasses as mentioned in paragraph (a) or paragraph (b) of the last preceding subsection, as the case may be.

(4) In the application of paragraph (a) or paragraph (b) of the last preceding subsection to a case where the materials in question became chargeable with sugar duty before the appointed day, any reference to the time when the materials became chargeable with sugar duty shall be construed as a reference to the appointed day ; and in the application of paragraph (c) of that subsection to sugar or molasses which became chargeable with sugar duty before the appointed day, surcharge shall be treated as having been paid in respect of that sugar or molasses, in accordance with the rates of surcharge prevailing on the appointed day.

(5) The amount of surcharge repayment payable in a case falling within paragraph (c) of subsection (2) of this section shall be equal to the amount of surcharge paid in respect of the sugar or molasses in question :

Provided that, in a case where the article referred to in that paragraph became chargeable with sugar duty before the appointed day, the amount of surcharge repayment shall be equal to the amount of surcharge which would have been payable in respect of the sugar or molasses if the article had become chargeable with sugar duty on the appointed day.

(6) The rates of surcharge repayments applicable to molasses, for the purposes of paragraph (b) of subsection (3) of this section, shall be those prescribed from time to time by order made by the Minister, with the concurrence of the Treasury, on the advice of the Sugar Board.

(7) The Minister shall so exercise his powers under the last preceding subsection as to secure that the rates of surcharge repayments for the time being applicable to molasses reflect as nearly as may be the current rates of surcharge applicable to molasses, subject to such adjustments as he may consider appropriate, having regard to the differences for the time being prevailing between the rates of drawback on molasses and the rates of customs duty on molasses.

(8) Where by virtue of any provision of this section a surcharge repayment is payable in respect of sugar or molasses used in the manufacture of any goods, or constituting a part or ingredient of an article, the surcharge repayment shall, subject to the next following section, be calculated by reference to the quantity of sugar or molasses appearing to the Commissioners to have been used in the manufacture thereof.

(9) In this Act references to drawback of sugar duty shall be construed as including references to any allowance calculated by reference to sugar duty or to drawback of sugar duty ; and for the avoidance of doubt it is hereby declared that such references include references to drawback of sugar duty chargeable in the Isle of Man and to any allowance calculated by reference to such duty or to drawback of such duty.

Special provisions as to composite sugar products.

9.—(1) If, on the recommendation of the Commissioners, it appears to the Minister, in the case of any description of composite sugar products, that surcharge, instead of being calculated by reference to the quantity of sugar or molasses appearing to the Commissioners to have been used in the manufacture of the products, could more conveniently be calculated on the basis of an average quantity taken to have been so used, the Minister may make an order under this subsection in respect of that description of composite sugar products.

(2) An order under the preceding subsection shall provide that, in the case of composite sugar products of the description to which the order relates, surcharge shall be calculated in such of the following ways as may be specified in the order, that is to say,—

- (a) by reference to a quantity of sugar specified in the order, at the rate applicable to sugar of a degree of polarisation so specified, or
- (b) by reference to a quantity of molasses specified in the order, at the rate applicable to molasses containing an amount of sweetening matter so specified, or
- (c) at a rate specified in the order, by reference to the weight, quantity or value of the products, as assessed in accordance with the order.

(3) In making an order under subsection (1) of this section in the case of any description of composite sugar products, the Minister shall have regard to the average quality and average quantity of sugar or molasses, or of both, appearing to him, on the advice of the Commissioners, to be used in the manufacture of products of that description which are imported into the United Kingdom.

(4) If, on the recommendation of the Commissioners, it appears to the Minister, in the case of any description of goods, in the manufacture of which sugar or molasses is used, that surcharge repayments, instead of being calculated by reference to the quantity of sugar or molasses appearing to the Commissioners to have been so used, could more conveniently be calculated on the basis of an average quantity taken to have been so used, the Minister may make an order under this subsection in respect of that description of goods.

(5) The provisions of subsections (2) and (3) of this section shall apply to orders under the last preceding subsection as they apply to orders under subsection (1) of this section, as if in those provisions—

- (a) references to surcharge were references to surcharge repayments ;
- (b) references to composite sugar products were references to goods in the manufacture of which sugar or molasses is used ;
- (c) any reference to importation into the United Kingdom were a reference to exportation from the United Kingdom ; and
- (d) any reference to the rate applicable to sugar of a degree of polarisation specified in an order were a reference to a rate specified in an order.

10.—(1) Where any sugar is chargeable with duty as if it were of a polarisation exceeding ninety-nine degrees by virtue of section two hundred and fourteen of the Customs and Excise Act, 1952 (which relates to sugar of which the polarisation has been reduced), the rate of surcharge applicable to the sugar shall be the rate applicable to sugar of a polarisation exceeding ninety-nine degrees. Provisions as to surcharge, and surcharge repayments, in other special cases.

(2) Where, on receipt by a person of any sugar or molasses, drawback is paid to him by virtue of section two hundred and seventeen of the said Act of 1952 (which relates to sugar, molasses and other substances delivered for use in arts and manufactures), the like surcharge repayment shall be payable as if—

- (a) the sugar or molasses had been shown, to the satisfaction of the Commissioners, to have been used in the manufacture of goods in the United Kingdom, and
- (b) on the date on which the sugar or molasses was received by that person, those goods had been exported in such circumstances that drawback of sugar duty became payable on the sugar or molasses.

(3) If by virtue of subsection (4) of section eighty-eight of the said Act of 1952 (which relates to the calculation of certain duties on warehoused goods) the sugar duty chargeable on any sugar or molasses falls to be calculated in any of the ways specified in that subsection, any surcharge payable in respect of that sugar or molasses shall be calculated in the same way.

Supplementary provisions as to surcharge and surcharge repayments.

11.—(1) The general provisions of the Customs and Excise Act, 1952 (as for the time being amended, whether before or after the passing of this Act), and any other statutory provisions for the time being in force and relating to customs or excise generally, shall have effect, subject to the provisions of this section and with such exceptions and adaptations as may be prescribed, in relation to surcharge and to surcharge repayments as they have effect respectively in relation to duties of customs or duties of excise (as the circumstances of any particular case may require) and in relation to drawbacks of, and allowances in respect of, such duties.

(2) Nothing in the preceding subsection shall extend the operation of section ten of the Exchequer and Audit Departments Act, 1866 (which relates to the disposal of revenue receipts), or of section eleven of the Customs and Excise Act, 1952 (which relates to the disposal of, and accounting for, customs and excise receipts), or of the Provisional Collection of Taxes Act, 1913.

(3) Notwithstanding anything contained in subsection (1) of this section, section ten of the Finance Act, 1901 (which relates to new or altered customs and excise duties in their effect on contracts) shall not apply to surcharge except in so far as the rates of surcharge are increased or reduced after the appointed day; but in relation to any increase or reduction in the rates of surcharge after the appointed day the said section ten shall have effect as it has effect in relation to increases and decreases in customs import duties.

(4) Without prejudice to the preceding provisions of this section, the Commissioners shall have power to make regulations with respect to surcharge, and to surcharge repayments, for any purpose for which under any statutory provisions for the time being in force they have power to make regulations with respect to sugar duty, or to drawback of sugar duty, including power by any such regulations to apply, in relation to surcharge or surcharge repayments, with such exceptions and adaptations as may be prescribed, any regulations relating to sugar duty, or to drawback of sugar duty, which are for the time being in force.

(5) If any person contravenes or fails to comply with any regulation made or applied under the last preceding subsection

he shall be liable to a penalty of fifty pounds, and any article in respect of which the offence was committed shall be liable to forfeiture.

The general provisions of the Customs and Excise Act, 1952, as to proceedings for penalties under that Act, and as to forfeiture of goods thereunder, shall apply for the purposes of this subsection.

(6) Without prejudice to any power exercisable by virtue of the preceding provisions of this section, or to the repayment of any surcharge paid or overpaid in error, the Commissioners may remit or repay any surcharge, in whole or in part, where they are satisfied that, if the surcharge had been a duty of customs or excise, they would have remitted or repaid it, in whole or in part, and that the surcharge or part of the surcharge, as the case may be, ought to be remitted or repaid.

(7) In this section "statutory provisions" means provisions contained in an enactment or having effect by virtue of an enactment, and "prescribed" means prescribed by regulations made by the Commissioners.

12.—(1) As between the Commissioners and the Sugar Board all money collected on account of surcharge (whether in Great Britain, the Isle of Man or Northern Ireland) shall be taken to be so collected for the benefit of the Sugar Board, subject to the payment thereout of the surcharge repayments falling to be paid in accordance with this Act, and to the retention thereout by the Commissioners of such sums as the Treasury may from time to time determine in respect of the Commissioners' expenses attributable to the collection of the surcharge and dealing with claims for surcharge repayments. Application of proceeds of surcharge.

(2) Any sums retained by the Commissioners in accordance with the preceding subsection shall be paid into the Exchequer.

(3) The Commissioners shall account to the Sugar Board for all money collected as mentioned in subsection (1) of this section, and for all sums paid or retained thereout in accordance with that subsection, in such manner as the Treasury may direct, and, pending payment to the Sugar Board, shall deal with all such money in such manner as the Treasury may from time to time direct.

Suspension of surcharge and provision for distribution payments by Sugar Board

13.—(1) If at any time after the appointed day it appears to the Minister, on the advice of the Sugar Board, having regard to the financial position and prospects of the Board at that time, that the income of the Board, for a period of not less than six months from that time, is likely to be sufficient without Suspension of surcharge.

the aid of the surcharge, the Minister, with the concurrence of the Treasury, may by order provide for suspending the operation of the surcharge, either indefinitely or for a period specified in the order.

(2) Where the Minister makes an order under the preceding subsection, he may by order make provision for securing that surcharge repayments will not be payable in respect of sugar or molasses which, by virtue of the order under the preceding subsection, is not chargeable with surcharge.

(3) Any order under either of the preceding subsections, and any order revoking or varying such an order, may contain such transitional, supplementary and incidental provisions as may appear to the Minister to be necessary or expedient for the purposes of the order.

(4) For the purposes of this and the next following section the income of the Board for any period shall be taken—

(a) to be sufficient, if it is not less than the amount of income required to be earned by the Board in respect of that period to enable the Board to balance their revenue account, and

(b) to show a surplus, if it is more than the amount of income so required to be earned by the Board.

Distribution
payments by
Sugar Board.

14.—(1) Where at any time after the appointed day an order under the last preceding section is for the time being in force, or the Minister proposes to make an order under that section, and it appears to the Minister, on the advice of the Sugar Board, that apart from this section the income of the Board, for a period of not less than six months from that time, is likely to show a surplus, the Minister, with the concurrence of the Treasury, may by order direct that the provisions of this section shall have effect while the order under this section is in force.

(2) An order under this section may be made so as to be in force for an indefinite period or for a period specified in the order.

(3) Where an order is made under this section, payments (in this Act referred to as “distribution payments”) shall be payable by the Sugar Board in respect—

(a) of all sugar and molasses, whether imported or home-produced, which become chargeable with sugar duty while the order is in force, and

(b) of any sugar or molasses used in the manufacture of imported composite sugar products which become chargeable with sugar duty while the order is in force.

(4) Subject to the following provisions of this section, distribution payments in respect of sugar shall be payable at the rate applicable to the sugar in accordance with its degree of polarisation, and distribution payments in respect of molasses shall be payable at the rate applicable to the molasses according to the amount of sweetening matter which it contains; and, in the case of composite sugar products, the amount of any such payment shall be calculated by reference to the quantity of sugar or molasses appearing to the Sugar Board to have been used in the manufacture of the products, having regard to any certificate given by or under the authority of the Commissioners as to the quantity of sugar or molasses which, for the purposes of sugar duty, was taken to have been so used.

(5) The rates of distribution payments applicable to sugar and to molasses, as mentioned in the last preceding subsection, shall be those prescribed from time to time by order made by the Minister, with the concurrence of the Treasury, on the advice of the Sugar Board.

(6) The rates prescribed by an order under the last preceding subsection shall be such rates as appear to the Minister, on the advice of the Sugar Board, having regard to the provisions of the next following section and to the financial position and prospects of the Board at the time when the order is made, to be requisite for securing the distribution of any revenues of the Board in so far as they are not required for balancing their revenue account.

(7) Any distribution payment which may be payable by the Sugar Board in respect of any sugar or molasses shall be payable to the person who (either personally or through an agent) paid the sugar duty on that sugar or molasses, or on composite sugar products containing that sugar or molasses, as being the importer thereof or otherwise as being the person liable for the duty:

Provided that if that person has died since the duty was paid, or if any other event has occurred whereby the right to receive the payment, if vested in that person immediately before that event, would thereupon have vested in some other person, the right to receive the payment shall be treated as having devolved as if that right had been vested in him immediately before his death or immediately before that event, as the case may be.

(8) The provisions of subsections (1) to (3) of section nine of this Act shall have effect in relation to distribution payments as they have effect in relation to surcharge, as if in those provisions references to the Commissioners were references to the Sugar Board.

Provision for distribution repayments to Sugar Board.

15.—(1) Where an order is made under subsection (1) of the last preceding section, the Minister may by order provide that, as counterparts to distribution payments, sums (in this Act referred to as “distribution repayments”) shall be payable to the Sugar Board in such circumstances, and calculated in such manner, as may be provided by the order in accordance with the following provisions of this section.

(2) Subject to the provisions of this section, the circumstances in which distribution repayments are to be payable by virtue of an order under this section, and the manner in which such repayments are to be calculated thereunder, shall be such as may appear to the Minister to correspond (with the necessary adaptations) as nearly as may be with those which apply to surcharge repayments under the preceding provisions of this Act, so however that in the adaptation of those provisions to distribution repayments—

- (a) references to the coming into operation of an order under subsection (1) of the last preceding section shall be substituted for references to the appointed day;
- (b) references to the Sugar Board shall, to such extent as the Minister considers appropriate, be substituted for references to the Commissioners; and
- (c) provision may be made whereby any drawback of sugar duty which is not claimed, but would be payable if claimed, shall be treated for the purposes of the order as if it had been claimed and had become payable accordingly.

(3) Without prejudice to the generality of the last preceding subsection, the power to make orders prescribing rates of repayments applicable to molasses, and the power by order to provide for the calculation of repayments on the basis of an average quantity of sugar or molasses taken to have been used in the manufacture of goods, are included among the provisions relating to surcharge repayments which may be adapted by an order under this section so as to apply to distribution repayments as mentioned in the last preceding subsection.

(4) Any order made under this section shall make provision for securing—

- (a) that no distribution repayment will be payable in respect of any sugar or molasses if no distribution payment has become payable in respect thereof, and
- (b) that a distribution repayment in respect of any sugar or molasses will not be payable except by a person who has received, or is entitled to claim, drawback of sugar duty on that sugar or molasses, or on goods charged on importation with sugar duty in respect of that sugar or molasses.

16.—(1) No distribution payment shall be payable unless a claim for it is made to the Sugar Board in such manner, at such time, and accompanied by such particulars and verified by such evidence, as may be prescribed by regulations made by the Minister:

Supplementary provisions as to distribution payments and repayments.

Provided that the Sugar Board, after consultation with the Minister, may in any particular case allow a claim for a distribution payment to be made after the time prescribed by the regulations for making the claim.

(2) The Minister may by regulations make such provision as he considers necessary for securing the payment of any distribution repayments, which become payable by virtue of an order under the last preceding section, including provision for the making of declarations, and the giving of other information prescribed by the regulations, in respect of goods of such descriptions as may be so prescribed which, at a time when the order is in force, are exported, shipped as stores, warehoused or otherwise dealt with in such circumstances as the Minister, having regard to the provisions of the order, may prescribe by the regulations.

(3) The following provisions of the Customs and Excise Act, 1952, that is to say,—

- (a) section three hundred and one (which relates to untrue declarations and other documents, and untrue statements, in connection with customs and excise duty), but only in so far as it relates to declarations and other documents,
- (b) section three hundred and two (which relates to the counterfeiting of documents and other similar offences),
- (c) section three hundred and four (which relates to fraudulent evasion of duty or of import restrictions), and
- (d) subsections (1) and (3) of section three hundred and five (which relate respectively to cases where a person is convicted of two or more offences in the same proceedings and to offences by bodies corporate),

and any provisions of that Act which apply to, or have effect for the purposes of, those provisions, shall have effect in relation to distribution payments and distribution repayments as if those payments and repayments were assigned matters (within the meaning of that Act), and as if in those provisions—

- (i) any reference to duty were a reference to a distribution repayment,
- (ii) any reference to a drawback or allowance were a reference to a distribution payment,

- (iii) any reference to the Commissioners included a reference to the Sugar Board, and
- (iv) any reference to defrauding Her Majesty were a reference to defrauding the Sugar Board.

(4) Any person who contravenes or fails to comply with any regulations made under subsection (2) of this section shall be guilty of an offence; and any person guilty of an offence under this subsection, other than an offence in respect of which a penalty is imposed by virtue of the last preceding subsection, shall be liable on summary conviction to a fine not exceeding fifty pounds.

(5) Any order made under subsection (1) of the last but one preceding section, or under the last preceding section, and any order revoking or varying such an order, may contain such transitional, supplementary and incidental provisions as may appear to the Minister to be necessary or expedient for the purposes of the order.

Provisions relating to British Sugar Corporation Limited

Purchase of
home-grown
beet by
Corporation.

17.—(1) It shall be the duty of the British Sugar Corporation Limited (in this Act referred to as “the Corporation”) to enter into contracts for the purchase by the Corporation of home-grown beet in accordance with the following provisions of this section.

In the provisions of this Act relating to the Corporation “the Ministers” means the Minister and the Secretary of State acting jointly.

(2) The prices to be paid by the Corporation under contracts for the purchase of home-grown beet shall be such prices as may be determined by or under any directions of the Ministers given in that behalf; and different provision may be made by any such directions—

- (a) as respects prices for beet produced in different areas in Great Britain;
- (b) as respects prices for beet purchased up to, and beet purchased in excess of, a quantity specified in the directions, either in relation to home-grown beet generally or in relation to beet produced in any area in Great Britain specified in the directions.

(3) In other respects the terms and conditions contained in such contracts shall be such terms and conditions as may, with the approval of the Ministers, be agreed between the Corporation and any body which, in the opinion of the Ministers, is substantially representative of the growers of home-grown beet, or, in default of any such agreement, shall be such as may be determined by the Ministers.

(4) The Ministers may give directions to the Corporation prescribing the total quantity of home-grown beet which the Corporation may contract to purchase for delivery in any period specified in the directions; and the Ministers may by those directions, or by any subsequent directions, provide for the apportionment of that quantity, as between different areas in Great Britain, in such manner as may be determined by or under the directions.

(5) If the Ministers give any directions under the last preceding subsection, it shall be the duty of the Corporation—

- (a) to secure that their contracts for the purchase of home-grown beet, for delivery within any period specified in the directions, do not provide for the delivery in that period of a total quantity of home-grown beet in excess of that prescribed by the directions, and, as respects any area in Great Britain to which a proportion of the total is allocated by or under any such directions, do not provide for the delivery in that period of a quantity of home-grown beet produced in that area which is in excess of that proportion; and
- (b) to hold themselves ready and willing to enter into contracts for the purchase of home-grown beet, for delivery in any such period, up to the total quantity prescribed by the directions in relation to that period, and, as respects any area within Great Britain, up to the amount (if any) apportioned by or under any such directions to that area.

(6) The Ministers shall exercise their powers under this section in the light of the conclusions of the reviewing Ministers from reviews held by them under section two of the Agriculture Act, 1947 (which provides for annual and other reviews of the condition of the agricultural industry), in so far as those conclusions relate to any matter in respect of which such a power is to be exercised.

In this subsection “the reviewing Ministers” means those Ministers of the Crown who are charged with the holding of reviews under section two of the Agriculture Act, 1947.

(7) Any power to prescribe or specify a quantity of home-grown beet for any purpose of this section may, if the Ministers think fit, be exercised by prescribing or specifying an acreage of land on which home-grown beet is produced, and any power to apportion a quantity of home-grown beet shall be exercisable accordingly; and, in relation to any directions by or under which such a power is so exercised, any reference in this section to the purchase or delivery of a quantity of home-grown beet prescribed, specified or apportioned by or under the directions shall

be construed as a reference to the purchase or delivery of home-grown beet produced on an acreage of land so prescribed, specified or apportioned.

(8) In relation to home-grown beet, the preceding provisions of this section shall have effect in substitution for the powers conferred by section four of the Agriculture Act, 1947 (which enables provision to be made for securing guaranteed prices or assured markets in the absence of other satisfactory arrangements for that purpose); and accordingly no order shall be made under that section as respects home-grown beet.

Research and education in sugar beet growing.

18.—(1) The appropriate Minister, after consultation with the Corporation and with any body which in the opinion of that Minister is substantially representative of growers of home-grown beet, shall prepare for each year a programme for carrying out research and education in matters affecting the growing of home-grown beet, and may by order make provision for carrying any such programme into effect.

(2) Any such programme for any year shall contain an estimate of the amount of the expenditure to be incurred in carrying it out; and any order made for carrying any such programme into effect shall, in particular, make provision—

- (a) for assessing the contributions towards defraying such expenditure to be made by the Corporation and by every grower of home-grown beet who delivers beet to the Corporation in that year, and
- (b) for the collection of such contributions and the recovery of unpaid contributions by the appropriate Minister.

(3) Subject to the next following subsection, the contributions assessed for any year in pursuance of an order under subsection (1) of this section shall not exceed—

- (a) in the case of a grower, threepence for every ton of home-grown beet sold by him for delivery to the Corporation in that year;
- (b) in the case of the Corporation, threepence for every ton of home-grown beet purchased by them for delivery in that year.

(4) The appropriate Minister may by order direct that, for the purposes of the programme for such one or more years as may be specified in the order, the last preceding subsection shall apply with the substitution, for the references to threepence, of references to such larger sum as may be specified in the order; and if the order relates to two or more years, different sums may be so specified for different years.

(5) All contributions paid in accordance with an order under subsection (1) of this section shall be paid into a research and

education fund ; and all expenditure certified by the appropriate Minister to have been properly incurred in carrying out any programme prepared under this section (including expenditure incurred by him or on his behalf) shall be defrayed out of that fund.

(6) The said fund shall be under the control of the Minister ; and an account showing the revenue and expenditure of the fund for any year shall, not later than the thirtieth day of November in the year following that to which it relates, be transmitted by the Minister to the Comptroller and Auditor General, who shall examine and certify the account and lay copies thereof, together with his report thereon, before Parliament.

(7) The preceding provisions of this section shall not apply to any year beginning before the appointed day ; but the appropriate Minister may by order direct that any programme prepared for any year under section six of the Sugar Industry Act, 1942 (which made temporary provision for the like purposes) shall have effect, subject to any modifications specified in the order, as if it were a programme prepared under this section.

(8) All moneys which immediately before the appointed day form part of the research and education fund referred to in subsection (3) of section eighteen of the Sugar Industry (Reorganization) Act, 1936, shall, on or as soon as may be after that day, be paid into the fund referred to in subsection (5) of this section.

(9) In this section " year " means a financial year of the Corporation, and " the appropriate Minister "—

- (a) in relation to a programme or order extending to the whole of Great Britain, means the Ministers ;
- (b) in relation to a programme or order extending only to England and Wales, means the Minister ;
- (c) in relation to a programme or order extending only to Scotland, means the Secretary of State.

19.—(1) The Ministers, if they consider it expedient to do so for promoting economy and efficiency in the undertaking of the Corporation, may, with the approval of the Treasury, enter into an agreement with the Corporation for the making of incentive payments to the Corporation in respect of any one or more financial years of the Corporation beginning after the thirty-first day of March, nineteen hundred and fifty-seven:

Agreements
for incentive
payments to
Corporation.

Provided that the Ministers shall consult the Sugar Board before entering into an agreement under this section.

(2) Any such agreement shall specify such standards of economy and efficiency (by reference to rates of extraction of sugar from sugar beet, costs of production and other factors)

as the Ministers may consider appropriate, and shall provide for the calculation of incentive payments—

- (a) by assessing from time to time the results achieved by the Corporation in carrying on their undertaking ;
- (b) by adjusting the assessment of those results by reference to such variable factors (relating to the size and quality of crops and other matters outside the control of the Corporation) as may be specified in the agreement ; and
- (c) by comparing the adjusted assessment with the standards specified in the agreement.

(3) The standards specified in an agreement in accordance with the last preceding subsection may be either fixed standards or progressively rising standards ; and any agreement made under this section may be varied or superseded by a subsequent agreement made thereunder.

(4) The Ministers shall so exercise their powers under this section as to raise progressively, at such times and to such extent as may appear to them to be consistent with the purposes of this section, the standards of economy and efficiency by reference to which incentive payments are to be calculated.

(5) Any agreement under this section shall provide that the purposes for which incentive payments made under the agreement will be applied by the Corporation will include the provision of benefits for persons employed by the Corporation.

(6) Any agreement under this section shall provide that, if at any time while the agreement is in force the calculation provided for by subsection (2) of this section shows a deficiency in the adjusted assessment of results achieved, as compared with the standards specified in the agreement, the Corporation shall be debited with a sum calculated by reference to the deficiency in such manner as may be provided in the agreement.

(7) An agreement under this section shall not have effect unless it is incorporated in an order made by the Ministers, with the approval of the Treasury, directing that effect shall be given to the agreement in accordance with the next following section.

General provisions as to financial relations between Corporation and Sugar Board.

20.—(1) Subject to the provisions of this section, if the revenues of the Corporation, for any financial year of the Corporation beginning after the thirty-first day of March, nineteen hundred and fifty-seven, fall short of the total sums properly chargeable by the Corporation to revenue account for that year, the Sugar Board shall make good the deficiency ; and if for any such financial year those revenues exceed the total sums properly chargeable by the Corporation to revenue account for that year, the Corporation shall pay the excess to the Sugar Board.

(2) Any incentive payments falling to be made in accordance with an agreement under the last preceding section shall be paid

to the Corporation by the Sugar Board ; and any sums debited to the Corporation in accordance with subsection (6) of that section shall be paid to the Sugar Board by the Corporation.

(3) The sums properly chargeable by the Corporation to revenue account for any financial year of the Corporation shall, for the purposes of subsection (1) of this section, be taken to include—

- (a) an amount equivalent to a reasonable rate of interest on the issued share capital of the Corporation for the time being, and on such of the reserves of the Corporation for the time being employed in the business of the Corporation as the Minister may determine, and
- (b) such sums as may be required for enabling the Corporation to comply with any directions of the Minister as to the placing of sums to reserve.

(4) Any sums payable to or by the Corporation in accordance with subsection (2) of this section shall, for the purposes of subsection (1) of this section, be disregarded in computing the revenues of the Corporation, or, as the case may be, in computing the total sums properly chargeable by the Corporation to revenue account.

(5) Subject to the two last preceding subsections, the Minister, with the approval of the Treasury,—

- (a) may give directions as to the way in which the revenues of the Corporation are to be computed for the purposes of subsection (1) of this section, and as to the sums to be treated for those purposes as properly chargeable to revenue account, and
- (b) having regard to the circumstances existing from time to time, may give directions as to the rate of interest to be treated as reasonable for the purposes of paragraph (a) of subsection (3) of this section ;

and any directions given under paragraph (b) of this subsection may specify different rates of interest in relation to different matters, or, as regards share capital, in relation to different classes of share capital.

(6) The provisions of the Fourth Schedule to this Act shall have effect with regard to financial arrangements subsisting between the Minister and the Corporation immediately before the appointed day.

(7) It shall be the duty of the Corporation to furnish the Sugar Board with all such information as the Board may reasonably require for the purpose of enabling the Board to comply with the provisions of the Third Schedule to this Act.

(8) In this section “ share capital ” includes any capital consisting of stock, other than debenture stock.

Advances by
Sugar Board
to
Corporation.

21.—(1) For the purpose of providing working capital for the Corporation, or for enabling the Corporation to meet seasonal outgoings properly chargeable to revenue account, the Sugar Board, with the consent of the Minister and the approval of the Treasury, may from time to time advance sums to the Corporation, on such terms and conditions as to repayment or otherwise as the Board, with the like consent and approval, may determine.

(2) The Minister may advance sums to the Sugar Board for the purpose of enabling the Board to make advances to the Corporation under the preceding subsection; and any sums advanced by the Minister under this subsection shall be disregarded for the purposes of subsection (1) of section five of this Act.

(3) Neither the aggregate amount of the principal outstanding in respect of advances under subsection (1) of this section, nor the aggregate amount of the principal outstanding in respect of advances under the last preceding subsection, shall at any time exceed thirty million pounds.

(4) Subsections (2) to (7) of section five of this Act shall have effect in relation to sums advanced by the Minister under subsection (2) of this section as they have effect in relation to sums advanced under subsection (1) of that section, so however that any account prepared by the Minister under subsection (6) of that section, if it relates both to advances under that section and to advances under this section, shall distinguish between them and deal with them separately.

Power of
Treasury to
guarantee
debentures of
Corporation.

22.—(1) If the Treasury are satisfied that any debentures proposed to be issued by the Corporation are to be issued for the purpose of meeting expenditure of the Corporation properly chargeable to capital account, the Treasury may guarantee, in such manner and on such conditions as they think fit, the payment of the principal of, and the interest on, the debentures so issued:

Provided that the amount of the principal of the debentures guaranteed under this section shall not in the aggregate exceed an amount sufficient to raise fifteen million pounds.

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

(3) As soon as may be after any guarantee is given under this section, the Treasury shall lay a statement of the guarantee before both Houses of Parliament.

(4) If any sum is issued under this section out of the Consolidated Fund, the Treasury shall, as soon as may be after the end

of the financial year in which the first sum is so issued, lay before both Houses of Parliament an account of all sums at any time so issued, and of all sums at any time received by way of repayment of any sums so issued ; and a similar account shall be laid in like manner in every subsequent year, unless it is shown by the account laid in the preceding year that all sums so issued have been repaid.

23.—(1) Neither the memorandum of association nor the articles of association of the Corporation shall be altered without the consent of the Ministers given with the approval of the Treasury. Functions of Ministers in relation to Corporation.

(2) Without prejudice to any power to alter the articles of association of the Corporation, those articles shall have effect as from the appointed day as if any reference to the Minister or to the Sugar Commission were a reference to the Ministers.

(3) The Corporation shall comply with any directions given by the Minister with the approval of the Treasury as to the placing of sums to reserve for such purposes, including the providing of pensions for persons employed by the Corporation, as the Minister may so direct ; and if directions given under this subsection require any such sums to be invested or applied in a manner specified in the directions, the Corporation shall invest or apply those sums in accordance with the directions.

(4) The Corporation shall furnish the Minister and the Secretary of State with such estimates, returns, accounts and other information relating to the business of the Corporation as they may respectively require.

(5) If it appears to the Minister that the Corporation have in any respect failed to discharge the obligations imposed on them by or under this Act, he may direct the Sugar Board to withhold, wholly or in part, any payments which apart from the direction would be payable by the Board to the Corporation under this Act:

Provided that, where the Minister has given a direction under this subsection, he shall revoke the direction as soon as he is satisfied that the default in question has been or will be remedied or, in so far as it cannot be remedied, that the Corporation have taken all reasonable steps for preventing a similar default in the future ; and where the Minister revokes such a direction, any payments withheld thereunder shall thereupon be paid to the Corporation.

24.—(1) The wages to be paid by the Corporation to persons employed by them, and the conditions of employment of persons so employed, shall, unless agreed upon by the Corporation and by organisations representative of the persons employed, be no Wages and conditions of employment of employees of Corporation.

less favourable to the persons employed than the wages which would be payable, and the conditions which would have to be observed, under a contract which complies with the requirements of any resolution of the House of Commons for the time being in force applicable to contracts of Government departments ; and if any dispute arises as to what wages ought to be paid, or what conditions ought to be observed, in accordance with this section, it shall, if not otherwise disposed of, be referred by the Minister of Labour and National Service to the industrial court for settlement.

(2) Where any award has been made by the industrial court upon a dispute referred to that court under this section, then, as from the date of the award or from such other date, not being earlier than the date on which the dispute to which the award relates first arose, as the court may direct, it shall be an implied term of the contract between the Corporation and workers to whom the award applies that the rate of wages to be paid, or the conditions of employment to be observed, under the contract shall, until varied in accordance with the provisions of this section, be in accordance with the award.

Miscellaneous and supplementary provisions

Sugar refining agreements.

25.—(1) Any sugar refining agreement made after the passing of this Act, if it is incorporated in and approved by an order of the Minister, shall have effect notwithstanding any rule of law relating to agreements in restraint of trade.

(2) In this Act “sugar refining agreement” means an agreement, made between the Corporation and one or more other refiners, providing (with or without other matters) for the division, as between the Corporation and the other party or parties to the agreement, of the whole or part of the market in the United Kingdom for the sale, for consumption or use in the United Kingdom, of refined sugar manufactured in the United Kingdom ; and for the purposes of this Act a sugar refining agreement may be limited to a part of that market in any one or more of the following ways, that is to say,—

- (a) it may relate to so much of that market as comprises the sale of refined sugar for delivery in one or more areas in the United Kingdom, to the exclusion of the remainder of the United Kingdom ;
- (b) it may relate to one or more descriptions of refined sugar, and not to all descriptions of refined sugar ;
- (c) the parties to the agreement may include some, but not all, of the refiners who sell refined sugar, of the descriptions to which the agreement relates, for delivery in the areas to which it relates.

(3) If a sugar refining agreement is concluded within the period beginning with the passing of this Act and expiring with the end of three months after the appointed day, it shall be the duty of the Corporation to submit the agreement to the Minister for his approval.

(4) The Minister shall not approve a sugar refining agreement relating to any area (whether the whole of the United Kingdom or an area within the United Kingdom), unless it includes provision for the purchase, by one or more of the parties thereto, of raw sugar manufactured by the Corporation from home-grown beet, and the Minister is satisfied, having regard to the quantities and prices provided for by the agreement and the parties between whom the agreement is made, that the agreement will, in relation to that area, secure an adequate market for the Corporation's output of raw sugar so manufactured :

Provided that this subsection shall not apply to an agreement in so far as it relates to an area in which, at the time when the agreement is submitted to the Minister, the Corporation do not sell any raw sugar manufactured by them.

(5) In determining whether to approve a sugar refining agreement, the Minister shall take into account the effect which it appears to him that the agreement will have on the interests of users and consumers of sugar in the United Kingdom.

(6) The Minister shall not approve a sugar refining agreement if it appears to him that, in the case of any description of refined sugar, the effect of the agreement (either alone or in conjunction with any other sugar refining agreements for the time being in force) in relation to any of the parties to the agreement would be, directly or indirectly, to exclude refined sugar of that description manufactured by that party from the whole of the market referred to in subsection (2) of this section.

(7) Where a sugar refining agreement is approved by the Minister under this section,—

- (a) the Minister, if at any time, after consulting the parties to the agreement, he considers it necessary to do so in the interests of users and consumers of sugar in the United Kingdom, may require those parties to modify the agreement, in such manner as the Minister may consider necessary in those interests ;
- (b) if the parties to the agreement fail to comply with a requirement of the Minister under the preceding paragraph within such period (not being less than one month after the requirement is notified to the parties) as may be specified in the requirement, the Minister may himself give directions modifying the agreement in accordance with the requirement ;

- (c) no modification of the agreement shall have effect (whether by virtue of a supplementary agreement between the parties thereto or by virtue of a requirement or direction of the Minister) unless the agreement as modified is incorporated in and approved by an order of the Minister ;

but nothing in this subsection shall affect any power of a party to the agreement to terminate the agreement.

(8) In this Act "refiner" means a person carrying on business in the United Kingdom as a refiner of sugar.

Default powers of Minister in relation to sugar refining agreements.

26.—(1) In any of the following cases, that is to say,—

- (a) if no sugar refining agreement is submitted to the Minister before the end of the period specified in subsection (3) of the last preceding section, or
- (b) if one or more sugar refining agreements are submitted to the Minister before the end of that period, but he does not approve them, or
- (c) if, in consequence of the termination of a sugar refining agreement approved by the Minister under the last preceding section, no sugar refining agreement so approved is for the time being in force,

the Minister shall make an order under this section, either as respects the whole of the United Kingdom or as respects any area therein, and either as respects all or as respects one or more descriptions of refined sugar, as the Minister may consider appropriate in the circumstances.

(2) If—

- (a) the Minister approves one or more sugar refining agreements under the last preceding section, but the agreements so approved do not relate to the whole of the United Kingdom, or to all descriptions of refined sugar, or
- (b) in consequence of the termination of a sugar refining agreement approved by the Minister, one or more areas in the United Kingdom, or descriptions of refined sugar, are not for the time being comprised in a sugar refining agreement so approved,

the Minister may make an order under this section as respects any area in the United Kingdom, or any description of refined sugar, which is not for the time being comprised in a sugar refining agreement so approved by him.

(3) Where a sugar refining agreement is submitted to the Minister, and he does not propose to approve the agreement in the form in which it is made, he shall notify the parties of the

modifications required by him, and of the period (not being less than one month after the date of the notification) within which an agreement incorporating those modifications should be submitted to the Minister; and, notwithstanding anything in the preceding subsections, the Minister shall not exercise his powers thereunder in relation to the matters comprised in the agreement if the parties modify the agreement in accordance with the Minister's requirements, and submit the agreement, as so modified but not otherwise altered, to the Minister within that period:

Provided that this subsection shall not apply if the reason, or one of the reasons, for which the Minister does not propose to approve the agreement is that one or more refiners, who in his opinion have a substantial interest in the market to which the agreement relates, are not parties to the agreement.

(4) Subject to the following provisions of this section, an order under this section shall, in relation to the areas and descriptions of refined sugar to which it relates, make such provision as the Minister thinks fit as to the division, as between the Corporation and other refiners, of the market for the sale, for consumption or use in the United Kingdom, of refined sugar manufactured in the United Kingdom, and may include provision—

- (a) as to the quantities of raw sugar, manufactured by the Corporation from home-grown beet, to be purchased by other refiners, and
- (b) as to the prices at which such raw sugar is to be purchased by those refiners.

(5) In making an order under this section—

- (a) the Minister shall take into account the effect which it appears to him that the order will have on the interests of users and consumers of sugar in the United Kingdom; and
- (b) the Minister shall not include in the order any provision whereby in his opinion, in the case of any description of refined sugar, the effect of the order in relation to any refiner (whether by virtue of the order alone or by virtue of the order in conjunction with any sugar refining agreements approved by the Minister which are in force at the time when the order is made) would be, directly or indirectly, to exclude refined sugar of that description manufactured by that refiner from the whole of the market referred to in the last preceding subsection.

(6) In so far as an order under this section makes provision as to the division of the market, it shall not make that provision, in relation to any refiner, in such a way that (whether by virtue of the order alone or by virtue of the order in conjunction with

any sugar refining agreements approved by the Minister which are in force at the time when the order is made) the sales of refined sugar by other refiners, as respects the whole of the United Kingdom, are in the aggregate restricted in any period to a total quantity which is less than that to which they were restricted, in a corresponding period, under the last agreed arrangements.

(7) In the last preceding subsection “the last agreed arrangements”, in relation to an order under this section, means the most recent sugar refining agreement, or aggregate of sugar refining agreements, approved either under section eight of the Sugar Industry (Reorganization) Act, 1936, or under the last preceding section, which related or together related to the whole of the United Kingdom, in the form in which (whether as originally made or as subsequently modified) that agreement, or each of those agreements, last had effect before the order is made:

Provided that for the purposes of this subsection any modification of an agreement which is imposed by a direction of the Minister under the last preceding section shall be disregarded if, within one month after being notified of the modification, a party to the agreement terminates the agreement, in pursuance of a provision in the agreement in that behalf, and notifies the Minister that he has done so by reason of the modification.

(8) Where an order under this section makes provision as to the prices at which raw sugar manufactured by the Corporation is to be purchased by other refiners, the method prescribed by the order for calculating those prices shall be such as the Minister considers requisite for securing that (due allowance being made for differences in rates of duty, terms of delivery and other relevant factors) they do not exceed the prices at which raw sugar of a like degree of polarisation could be purchased by those refiners from sources other than the Corporation.

(9) Any person who—

(a) fails to purchase from the Corporation a quantity of raw sugar which he is required to purchase by virtue of an order under this section, notwithstanding that the raw sugar is available and offered for sale to him by the Corporation and, if the order makes provision as to prices, is so offered at a price calculated in accordance with the order, or

(b) sells any refined sugar in contravention of any provisions of such an order relating to the division of the market, shall be guilty of an offence.

(10) In this section “termination”, in relation to an agreement, includes expiration.

27.—(1) The provisions of this section shall have effect for the purpose of limiting the difference between the prices at which raw sugar is obtainable by refiners and the prices at which refined sugar manufactured by them is sold by them for consumption or use in the United Kingdom. Limitation of sugar refiners' margin.

(2) If an undertaking for that purpose is given to the Chancellor of the Exchequer, either as respects refined sugar generally or as respects one or more descriptions of refined sugar, and the Treasury—

- (a) having regard to the circumstances existing at the time when the undertaking is given, are satisfied that the limitations imposed by the undertaking are reasonable, and
- (b) having regard to the party or parties to the undertaking, and to the descriptions of refined sugar to which it relates, are satisfied that corresponding limitations may be expected to be observed by refiners who are not parties to the undertaking, and that the limitations may be expected to apply to all those descriptions of refined sugar to which it is requisite that they should apply in the interests of users and consumers of sugar in the United Kingdom,

the Minister shall take no action under the following provisions of this section so long as the Treasury remain satisfied that the limitations continue to be reasonable and to be observed by the parties to the undertaking, and that the expectations referred to in paragraph (b) of this subsection continue to be fulfilled.

(3) In any of the following cases, that is to say, if—

- (a) no such undertaking is given as is mentioned in the last preceding subsection, or
- (b) the Treasury are not satisfied as mentioned in paragraphs (a) and (b) of that subsection, or
- (c) the conditions under which, in accordance with that subsection, the Minister is to take no action under this section cease to be fulfilled,

the Minister may make an order under this section.

(4) An order under this section shall make provision for calculating the prices at which raw sugar is to be treated for the purposes of the order as being obtainable by refiners, and shall provide that, in the case of such descriptions of refined sugar as may be specified in the order, the prices at which refined sugar manufactured by them is sold by refiners for consumption or use in the United Kingdom shall not exceed those prices by more than an amount calculated as mentioned in the order.

(5) In making provision, in an order under this section, for calculating the prices at which raw sugar is to be treated as

obtainable by refiners, the Minister shall have regard to the prices prevailing at the time when the order is made, due allowance being made for differences in rates of duty, terms of delivery and other relevant factors which apply to raw sugar obtainable from different sources; and in making provision, in such an order, as to the method of calculating the amount referred to in the last preceding subsection, the Minister—

- (a) shall allow for such a rate of profit to be earned by the refiners as he considers reasonable, and
- (b) shall make due allowance for different factors affecting different descriptions of refined sugar, and for differences in the terms (apart from price) on which refined sugar may be required to be sold for consumption or use in the United Kingdom.

(6) Any person who contravenes an order under this section shall be guilty of an offence.

(7) In the application of this section to a company (within the meaning of the Companies Act, 1948, or of the Companies Act (Northern Ireland), 1932), any sale of refined sugar by a subsidiary of that company shall be treated as if it were a sale of that sugar by that company.

In this subsection "subsidiary", in relation to a company within the meaning of the Companies Act, 1948, shall be construed in accordance with section one hundred and fifty-four of that Act, and, in relation to a company within the meaning of the Companies Act (Northern Ireland), 1932, means a subsidiary company as defined by section one hundred and twenty-two of the said Act of 1932.

Penalties for offences under ss. 26 and 27.

28.—(1) Any person guilty of an offence under either of the two last preceding sections shall be liable—

- (a) on summary conviction, to a fine not exceeding one hundred pounds;
- (b) on conviction on indictment, to a fine not exceeding two thousand pounds.

(2) Where an offence punishable under the preceding subsection, 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 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:

Provided that a person who in pursuance of this subsection is convicted of an offence on indictment shall not be liable in respect of that offence to a fine exceeding one thousand pounds.

(3) Neither the provisions of the two last preceding sections as to the commission of offences thereunder, nor the preceding provisions of this section, shall be construed as affecting the enforcement by civil proceedings of any obligation or restriction imposed by or under either of those sections.

29.—(1) For the purpose of complying with any obligations of the Government under the International Sugar Agreement to restrict imports of sugar or other goods from countries not participating in that agreement, the Board of Trade may by order make such provision as the Board consider requisite for restricting the importation from such countries into the United Kingdom of sugar and of any other goods to which the International Sugar Agreement may from time to time apply.

Restriction of imports in pursuance of international sugar agreements.

(2) An order under this section may contain such incidental and supplementary provisions (including penal provisions) as may appear to the Board of Trade to be necessary for securing the due operation and enforcement of the order:

Provided that any penal provisions contained in such an order—

(a) shall not extend to matters falling within the next following subsection, or to acts punishable under subsection (1) of section forty-five of the Customs and Excise Act, 1952 (which relates to certain offences in connection with the importation of goods, including the importation of prohibited goods), or under section three hundred and four of that Act (which relates to fraudulent evasion of duty or of import restrictions), and

(b) shall not make any offence under the order punishable otherwise than on summary conviction, or by a penalty in excess of imprisonment for a term of three months and a fine of one hundred pounds, with or without provision for the forfeiture of any goods to which such an offence relates.

(3) If, for the purpose of obtaining a licence under such an order, a person makes a statement, or provides a document or information, which to his knowledge is false in a material particular, or recklessly makes a statement which is false in a material particular, he shall be guilty of an offence and liable—

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

(b) on conviction on indictment, to a fine not exceeding five hundred pounds, or imprisonment for two years, or both;

and, in either case, if the false statement was made, or the false document or information was supplied, in connection with an

application on which a licence was granted, the licence shall be void as from the time when it was granted.

(4) Where any goods, of a description to which an order under this section applies, are imported at a time when the order is in force, an officer (within the meaning of the Customs and Excise Act, 1952) may at that time, or at any subsequent time, require any person possessing or having control of the goods to provide proof that the goods are not goods imported in contravention of the order; and if such proof is not provided to the satisfaction of the Commissioners, the goods shall be presumed, unless the contrary is shown, to be goods imported in contravention of the order.

(5) In this section "the International Sugar Agreement" means the international agreement for the regulation of the production and marketing of sugar which was signed on behalf of the Government in London on the sixteenth day of October, nineteen hundred and fifty-three, and includes any variation or extension of that agreement (whether made before or after the passing of this Act) and any agreement made after the passing of this Act whereby that agreement is superseded.

Transitional provisions as to arrangements for purchase of sugar for export trade.

30.—(1) The provisions of this section shall have effect with regard to any arrangements made by the Minister, either before the passing of this Act or thereafter but before the appointed day, for enabling persons in the United Kingdom who require sugar for purposes of the export trade to purchase it at prices lower than those at which sugar is sold by the Minister generally.

(2) In the case of each person who has purchased sugar under any such arrangements which are in force immediately before the appointed day, there shall be ascertained (in the manner provided for by those arrangements) whether, immediately before that day, the total amount of sugar purchased by that person under the arrangements exceeds, or falls short of, the total amount of sugar which he has used or sold for purposes of the export trade while the arrangements have been in force, and, in either case, there shall be ascertained the amount of the excess or of the deficiency, as the case may be.

(3) In accordance with the results of the calculations required in the case of any person under the last preceding subsection,—

- (a) if the calculations disclose in his case an excess of sugar purchased over sugar used or sold as mentioned in that subsection, the Sugar Board shall be entitled to recover from him a sum equal to the appropriate surcharge computed by reference to that excess;
- (b) if the calculations disclose in his case a deficiency of sugar purchased, as compared with sugar used or sold

as mentioned in the last preceding subsection, he shall be entitled to recover from the Sugar Board a sum equal to the appropriate surcharge computed by reference to the deficiency.

(4) In the last preceding subsection references to the appropriate surcharge computed by reference to an excess, or to a deficiency, are references to the amount of surcharge which would be payable on sugar—

(a) of a quantity equal to the amount of the excess or deficiency, and

(b) of a polarisation exceeding ninety-nine degrees,

if that sugar became chargeable with sugar duty on the appointed day.

31.—(1) Where before the appointed day the Minister has entered into a contract for the sale of sugar in the United Kingdom, whether the sugar comprised in the contract has been delivered or not, then, unless the whole of the sugar comprised in the contract has become chargeable with sugar duty before the appointed day, the purchaser under the contract shall, subject to the provisions of this section, be entitled to receive from the Sugar Board a payment under this section in respect of so much of that sugar as has not become chargeable with sugar duty before that day.

Payments by Sugar Board in respect of Minister's contracts for sale of sugar for home trade.

(2) The preceding subsection shall not apply to a contract for the sale of sugar in pursuance of any such arrangements as are mentioned in the last preceding section.

(3) The amount of a payment under this section in respect of any sugar shall be equal to the amount of the surcharge which would have been payable in respect of that sugar if it had become chargeable with sugar duty on the appointed day.

(4) No payment under this section shall be payable unless an application for it is made to the Sugar Board within the period of one month beginning with the appointed day, and the applicant produces to the Sugar Board such evidence in support of the application as the Board may reasonably require:

Provided that the Board may in any particular case (either before, on or after the date on which the time for applying would otherwise have expired) allow an extended, or further extended, period for making an application for such a payment.

(5) Any sugar which would have become chargeable with sugar duty before the appointed day but for any special circumstances by reason of which the duty was remitted, or was otherwise not required to be paid, shall be treated for the purposes of this section as if it had become chargeable with sugar duty before the appointed day.

Dissolution
of Sugar
Commission,
and repeals.

32.—(1) The Sugar Commission is hereby dissolved.

(2) The Sugar Industry (Reorganization) Act, 1936, the Sugar Industry Act, 1942, and section eight of the Agriculture (Miscellaneous Provisions) Act, 1954, are hereby repealed as from the appointed day.

Regulations
and orders.

33.—(1) Any power to make regulations or orders under this Act shall be exercisable by statutory instrument.

(2) Every instrument containing any such regulations, and, except in the case of such orders as are mentioned in the next following subsection, every instrument containing any order 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) No order shall be made under subsection (4) of section eighteen of this Act, or under section twenty-five, twenty-six or twenty-seven of this Act, unless a draft of the order has been laid before Parliament and has been approved by a resolution of each House of Parliament.

(4) Any order made under any provision of this Act may be varied or revoked by a subsequent order thereunder.

(5) Any functions of the Board of Trade in relation to orders under this Act may be performed by the President of the Board, any Minister of State with duties concerning the affairs of the Board, any secretary, under-secretary or assistant secretary of the Board, or any person authorised in that behalf by the President.

In this subsection "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.

Administrative
expenses.

34. Subject to the provisions of subsection (5) of section eighteen of this Act, any administrative expenses under this Act of the Minister or the Commissioners, or of any other Minister of the Crown or Government department, shall be defrayed out of moneys provided by Parliament.

Interpretation.

35.—(1) In this Act "the appointed day" means such day as the Minister may by order appoint; and different days may be appointed for the purposes of different provisions of this Act, and, for the purposes of any provision of this Act whereby enactments are repealed, different days may be appointed for the operation of the repeal in relation to different enactments, including different enactments contained in the same Act.

(2) In this Act, except where the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say :—

- “ the Commissioners ” means the Commissioners of Customs and Excise ;
- “ composite sugar products ” has the meaning assigned to it by section seven of this Act ;
- “ the Consolidated Fund ” means the Consolidated Fund of the United Kingdom ;
- “ the Corporation ” means the British Sugar Corporation Limited ;
- “ distribution payments ” and “ distribution repayments ” have the meanings assigned to them respectively by sections fourteen and fifteen of this Act ;
- “ financial year of the Sugar Board ” and “ financial year of the Corporation ”, subject to the next following subsection, mean respectively a period of twelve months beginning with the first day of April ;
- “ functions ” includes powers and duties, and references to the performance of functions shall be construed accordingly ;
- “ the Government ” means Her Majesty’s Government in the United Kingdom ;
- “ home-grown beet ” means sugar beet grown in Great Britain ;
- “ manufacture ” includes preparation ;
- “ the Minister ” and “ the Ministers ” have the meanings assigned to them respectively by sections one and seventeen of this Act ;
- “ molasses ” includes invert sugar and all other sugar and extracts from sugar which cannot be completely tested by the polariscope and which are not for the time being specifically chargeable with any duty of customs or excise as sugar or glucose ;
- “ pension ”, in relation to a person, means a pension, whether contributory or not, of any kind whatsoever payable to or in respect of him, and includes a gratuity so payable and a return of contributions, with or without interest thereon or any other addition thereto ;
- “ refined sugar ” means any sugar which has been subjected to a process whereby it is rendered suitable to be eaten as sugar or to be used in the manufacture of an article of food or drink other than sugar ;
- “ refiner ” has the meaning assigned to it by section twenty-five of this Act ;

“sugar duty” has the meaning assigned to it by section seven of this Act ;

“surcharge” and “surcharge repayment” have the meanings assigned to them respectively by sections seven and eight of this Act.

(3) The Minister may by order direct that a period specified in the order (being either a period greater or less than twelve months, or a period of twelve months beginning on a day other than the first day of April) shall be a financial year of the Sugar Board, or of the Corporation, as may be specified in the order, for the purposes of such provisions of this Act as may be so specified.

(4) In this Act “on the advice of the Sugar Board”, in relation to the making of an order by the Minister, or to any other matter, means having regard to any representations made in that behalf by the Sugar Board, or after consulting the Board and considering any advice tendered by them with respect to the making of the order, or other matter, in question.

(5) References in this Act to drawback of sugar duty shall be construed in accordance with subsection (9) of section eight of this Act.

(6) References in this Act to the amount of sweetening matter in molasses shall be construed in accordance with paragraph 9 of Part III of the Second Schedule to the Finance Act, 1928.

(7) Any reference in this Act to an enactment shall, unless the context otherwise requires, be construed as a reference to that enactment as amended by or under any other enactment.

Short title
and extent.

36.—(1) This Act may be cited as the Sugar Act, 1956.

(2) Sections seven to sixteen of this Act, and sections thirty-three to thirty-five thereof in so far as they have effect for the purposes of sections seven to sixteen, extend to the Isle of Man.

(3) Sections seventeen to twenty-four of this Act do not extend to Northern Ireland ; but, with the exception of those sections, it is hereby declared that this Act extends to Northern Ireland.

SCHEDULES

FIRST SCHEDULE

Section 1.

COMMONWEALTH SUGAR AGREEMENT

An agreement dated the twenty-first day of December, nineteen hundred and fifty-one, and made between the Minister of Food on behalf of His late Majesty's Government in the United Kingdom, of the first part, and the Queensland Sugar Board, the South African Sugar Association, the British West Indies Sugar Association (Incorporated), the Mauritius Sugar Syndicate, and the Colonial Sugar Refining Company Limited, Fiji, on behalf of the sugar industries and exporters in Australia, the British West Indies (Antigua, Barbados, British Guiana, Jamaica, St. Kitts, St. Lucia and Trinidad), Fiji, Mauritius and the Union of South Africa, of the second part.

SECOND SCHEDULE

Section 2.

PROVISIONS AS TO SUGAR BOARD

1. The Sugar Board shall be a body corporate with perpetual succession and a common seal and power to hold land without licence in mortmain.

2. The Board may act notwithstanding a vacancy among the members of the Board.

3. The quorum of the Board shall be such number as the Board may from time to time determine.

4. It shall be within the capacity of the Board as a statutory corporation to do such things and enter into such transactions as are incidental or conducive to the performance of their functions under this Act.

5.—(1) A member of the Board who is in any way directly or indirectly interested in a contract made or proposed to be made by the Board shall, as soon as possible after the relevant circumstances have come to his knowledge, disclose the nature of his interest at a meeting of the Board.

(2) Any disclosure made under the preceding sub-paragraph shall be recorded in the minutes of the Board, and the member—

- (a) shall not take part after the disclosure in any deliberation or decision of the Board with respect to that contract, and
- (b) shall be disregarded for the purpose of constituting a quorum of the Board for any such deliberation or decision.

6. Subject to the preceding provisions of this Schedule the Board may regulate their own procedure.

7.—(1) The Board shall appoint a secretary and may appoint such other officers and take into their employment such other persons as they may determine.

(2) The Board shall—

- (a) pay to their officers and other persons employed by them such remuneration as they may determine, and

2ND SCH.
—cont.

(b) as regards any officers or persons employed in whose case the Board, with the approval of the Minister, may determine to do so, pay to or in respect of them such pensions, or provide and maintain for them such pension schemes (whether contributory or not), as may be so determined.

(3) Where any officer of or person employed by the Board, being a participant in any pension scheme applicable to his office or employment, becomes a member of the Board, he may be treated for the purposes of the pension scheme as if his service as a member of the Board were service as an officer of or person employed by the Board, and his rights under the scheme shall not be affected by any provision of this Act which requires that the pensions, or payments towards the provision of pensions, to be paid or made in the case of members of the Board shall be determined by the Minister with the approval of the Treasury.

8. The application of the seal of the Board shall be authenticated by the signatures of the chairman or some other member of the Board authorised by the Board to authenticate the application of the seal thereof, and of the secretary of the Board or some other person authorised by the Board to act in his stead in that behalf.

9. Every document purporting to be an instrument issued by the Board, and to be sealed as mentioned in the last preceding paragraph, or to be signed on behalf of the Board, shall be received in evidence and shall be taken to be such an instrument without further proof unless the contrary is shown.

Sections 6, 20.

THIRD SCHEDULE

ANNUAL REPORT AND ACCOUNTS OF SUGAR BOARD

1. A report of the Sugar Board for any financial year of the Board shall include a statement of the difference between the two following amounts, that is to say,—

- (a) the total amount paid or payable by the Board in respect of sugar purchased by the Board as principals, and delivered under the purchase in that year, and
- (b) the total amount paid or payable to the Board in respect of sugar sold by the Board as principals, and delivered under the sale in that year.

2.—(1) A report of the Sugar Board for any financial year of the Board shall contain, or shall have annexed to it, one or more tables setting out any rates to which this paragraph applies which were in force during the whole or any part of that year.

(2) Any such table shall include a note stating either that the rates specified in the table were in force during the whole of the year in question, or, as the case may be, that those rates were in force for a part of that year specified in the note.

(3) This paragraph applies to any rates prescribed by an order made by the Minister under this Act, being rates of surcharge, of surcharge repayments, of distribution payments or of distribution repayments.

3. A report of the Sugar Board for any financial year of the Board shall include a statement of the accounts of the Corporation for any financial year of the Corporation which coincides with, or ends within, the financial year of the Board to which the report relates ; and any such statement shall include a balance sheet and a profit and loss account and shall be in such form as the Minister, with the approval of the Treasury, may direct.

3RD SCH.
—cont.

4. The statements of account of the Sugar Board to be prepared under subsection (3) of section six of this Act in respect of any financial year of the Board shall include a statement of—

- (a) the amount of any sum payable to the Corporation by the Board under subsection (1) of section twenty of this Act in respect of any financial year of the Corporation which coincides with, or ends within, that financial year of the Board ;
- (b) the aggregate amount of any incentive payments falling to be paid to the Corporation by the Board under subsection (2) of the said section twenty in respect of any such financial year of the Corporation.

FOURTH SCHEDULE

Section 20.

TRANSITIONAL PROVISIONS AS TO FINANCES OF BRITISH SUGAR CORPORATION LIMITED

1.—(1) The provisions of this Schedule shall have effect with regard to any arrangements which may be in force immediately before the appointed day for regulating the financial relations between the Minister and the Corporation.

(2) Any such arrangements are in the following provisions of this Schedule referred to as “the existing arrangements”.

2. The existing arrangements shall not have effect in so far as they relate to any period after the thirty-first day of March, nineteen hundred and fifty-seven.

3. Subject to the preceding paragraph, any payments which, in accordance with the existing arrangements, would be payable by the Corporation to the Minister on or after the appointed day shall be payable by the Corporation to the Sugar Board ; and any payments which in accordance with those arrangements would be payable to the Corporation by the Minister on or after the appointed day shall be payable to the Corporation by the Sugar Board.

4. Nothing in the two last preceding paragraphs shall affect—

- (a) the recovery on or after the appointed day of any sum payable before that day, or
- (b) any right of the Minister to a payment falling due on or after the appointed day in respect of the principal of, or interest on, a loan from the Minister to the Corporation made before that day.

5.—(1) Any sum standing to the credit of a special account, in respect of a period ending before the first day of April, nineteen hundred and fifty-seven, being a sum which, in accordance with the existing arrangements, would be applicable by the Corporation, wholly or in part, for the purpose of making good future losses on revenue account, shall, subject to the next following sub-paragraph, be retained by the Corporation in a special account.

4TH SCH.
—cont.

(2) If, for any financial year of the Corporation beginning on or after the said first day of April, the revenues of the Corporation (calculated in accordance with section twenty of this Act) would fall short of the total sums properly chargeable by the Corporation to revenue account (calculated in accordance with that section), any sum retained in a special account by the Corporation under this paragraph shall be applied (so far as may be requisite, or so far as it will extend, as the case may be) for the purpose of making good the deficiency.

(3) Where a sum is applied in accordance with the last preceding sub-paragraph for the purpose of making good a deficiency, any liability of the Sugar Board to make good that deficiency under subsection (1) of section twenty of this Act,—

- (a) if the deficiency is wholly made good under the last preceding sub-paragraph, shall be cancelled, or
- (b) if the deficiency is made good in part under that sub-paragraph, shall be reduced to a corresponding extent.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Exchequer and Audit Departments Act, 1866 ...	29 & 30 Vict. c. 39.
Finance Act, 1901	1 Edw. 7. c. 7.
Provisional Collection of Taxes Act, 1913 ...	3 & 4 Geo. 5. c. 3.
Re-election of Ministers Act, 1919	9 & 10 Geo. 5. c. 2.
Finance Act, 1928	18 & 19 Geo. 5. c. 17.
House of Commons Disqualification (Declaration of Law) Act, 1935	25 & 26 Geo. 5. c. 38.
Sugar Industry (Reorganization) Act, 1936 ...	26 Geo. 5. & 1 Edw. 8. c. 18.
National Loans Act, 1939	2 & 3 Geo. 6. c. 117
Sugar Industry Act, 1942	5 & 6 Geo. 6. c. 16.
Agriculture Act, 1947	10 & 11 Geo. 6. c. 48.
Companies Act, 1948	11 & 12 Geo. 6. c. 38.
Customs and Excise Act, 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 44.
Agriculture (Miscellaneous Provisions) Act, 1954	2 & 3 Eliz. 2. c. 39.

CHAPTER 49

Agriculture (Safety, Health and Welfare Provisions) Act, 1956

ARRANGEMENT OF SECTIONS

Safety, Health and Welfare of Employees

Section

1. Regulations for securing safety and health of employees.
2. Lifting excessive weights.
3. General provisions as to sanitary conveniences and washing facilities.
4. Power to require provision of sanitary conveniences by agricultural contractors.
5. Power of sanitary authority to secure maintenance and cleanliness of sanitary conveniences.
6. First aid.

Measures for avoiding Accidents to Children

Section

7. Power to prohibit children from riding on or driving vehicles, machinery or implements used in agriculture.

Notification and Investigation of Accidents and Diseases

8. Notification of, and keeping of records as to, accidents and diseases.
9. Inquest in case of death by accident.

Supplementary Provisions

10. Appointment of inspectors and their powers.
11. Inspections by sanitary authority.
12. Falsification of records, &c.
13. Duties of employees.
14. Punishment of offences.
15. Penalty on persons actually committing offences for which others are liable.
16. Defence available to persons charged with offences.
17. Provisions as to exercise of regulation-making powers.
18. Power to extend Act to certain persons employed otherwise than in agriculture.
19. Power to exclude operation of provisions of the Factories Acts, 1937 and 1948.
20. Form, and mode of service, of notices.
21. Annual reports.
22. Application to the Crown.
23. Expenses.
24. Interpretation.
25. Application to Scotland.
26. Short title and extent.

An Act to provide for securing the safety, health and welfare of persons employed in agriculture and certain other occupations and the avoidance of accidents to children arising out of the use, in connection with agriculture, of vehicles, machinery or implements; and for purposes connected with the matters aforesaid.

[5th July, 1956]

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:—

Safety, Health and Welfare of Employees

1.—(1) Provision may be made by regulations under this section for protecting workers employed in agriculture against risks of bodily injury or injury to health arising out of the use of any machinery, plant, equipment or appliance, the carrying on of any operation, the use of any process or the management of animals, for securing to such workers safe places to work in and safe means of access thereto and for protecting them against risks of bodily injury arising out of their falling through apertures in floors or walls, or from their workplaces, or while ascending or descending staircases or ladders.

Regulations for securing safety and health of employees.

(2) Regulations under this section may make any such provision for any of the purposes mentioned in the foregoing subsection as appears to the authority by whom the regulations are made to meet the necessity of the case as far as is reasonably practicable, and may impose obligations, restrictions and prohibitions on employers of workers employed in agriculture, on such workers themselves, and on others.

(3) Without prejudice to the generality of the last foregoing subsection, regulations under this section may provide for—

- (a) regulating or prohibiting the use of any machinery, plant, equipment or appliance, the carrying on of any operation or the use of any process ;
- (b) imposing requirements with respect to the construction, installation, examination, repair, maintenance, alteration, adjustment and testing of machinery, plant, equipment or appliances and the safeguarding of dangerous parts thereof and prohibiting the sale or letting on hire of any machinery, plant, equipment or appliance which does not comply with requirements of the regulations ;
- (c) requiring the observance of precautions in connection with the management of animals and imposing requirements with respect to the construction of enclosures in which animals are kept ;
- (d) requiring the giving of instructions with respect to the proper manner of using any machinery, plant, equipment or appliance, carrying on any operation, using any process or managing animals ;
- (e) prohibiting the employment in work of any kind prescribed by the regulations of persons who have not attained the age of eighteen, either absolutely or except upon the condition of their having received a sufficient training in work of that kind or being subject to such supervision as may be so prescribed ;
- (f) imposing requirements with respect to the fencing of apertures in floors or walls, the construction and maintenance of staircases and the provision in connection therewith of handrails and other safeguards and the construction and maintenance of ladders ;
- (g) requiring the taking of such steps as may be prescribed by the regulations for the purpose of bringing provisions of the regulations to the notice of workers employed in agriculture ; and
- (h) any incidental, supplementary or consequential matters for which it appears to the authority by whom the regulations are made requisite or expedient to provide for the purposes of the regulations.

(4) Regulations under this section may make different provision to meet different circumstances.

(5) Regulations under this section may provide for empowering the appropriate Minister to grant certificates exempting (for such periods as may be specified therein and subject to such conditions, if any, as may be so specified) particular cases or particular persons from the operation of provisions of the regulations.

(6) A person who contravenes any provision of regulations under this section shall be guilty of an offence.

(7) The Threshing Machines Act, 1878, shall be repealed on such day as may be appointed for that purpose by order made by the Minister of Agriculture, Fisheries and Food by statutory instrument, and the Chaff-Cutting Machines (Accidents) Act, 1897, shall be repealed—

- (a) as respects England and Wales, on such day as may be appointed for that purpose by order made as aforesaid ;
- (b) as respects Scotland, on such day as may be appointed for that purpose by order made by the Secretary of State by statutory instrument.

2.—(1) A young person shall not be employed as a worker in agriculture to lift, carry or move a load so heavy as to be likely to cause injury to him. Lifting excessive weights.

(2) Regulations may be made for prescribing the maximum weights which may be lifted, carried or moved by workers employed in agriculture ; and any such regulations may prescribe different weights in different circumstances and may relate either to workers generally or to any class of workers or to workers employed in work of any class.

(3) In the event of a contravention, in the case of any worker, of the provisions of subsection (1) of this section or of regulations made under subsection (2) thereof, his employer shall be guilty of an offence.

3.—(1) If it appears to a sanitary authority that an agricultural unit within their district on which workers are employed in agriculture is without suitable and sufficient sanitary conveniences available for the use of workers so employed, the authority shall, by notice to the appropriate person, require him, within such time as may be specified in the notice, to execute such works or take such other steps for the purpose of providing the unit with suitable and sufficient sanitary conveniences available for the use of workers employed thereon in agriculture as may be specified in the notice. General provisions as to sanitary conveniences and washing facilities.

(2) If it appears to the appropriate Minister that an agricultural unit on which workers are employed in agriculture is without suitable and sufficient washing facilities available for the use of workers so employed, the appropriate Minister shall, by notice to the appropriate person, require him, within such time

as may be specified in the notice, to execute such works or take such other steps for the purpose of providing the unit with suitable and sufficient washing facilities available for the use of workers employed thereon in agriculture as may be specified in the notice.

(3) In considering, for the purposes of this section, whether an agricultural unit is or is not without suitable and sufficient sanitary conveniences available for the use of workers employed on the unit in agriculture or, as the case may be, is or is not without suitable and sufficient washing facilities for the use of workers so employed, regard shall be had to the number and sex of the workers so employed, the location and duration of their work and all other relevant circumstances.

(4) A notice under this section requiring the execution of works involving the provision of fixed equipment must specify the place where the works are to be executed.

(5) Neither a sanitary authority nor the appropriate Minister shall serve a notice under this section requiring the execution of works involving the provision of fixed equipment unless they are, or he is, satisfied that special circumstances exist which render requisite the provision of such equipment, and no such notice shall be of any effect unless it states that the authority are, or (as the case may be) that the Minister is, so satisfied and what those circumstances are.

(6) For the purposes of this section the expression "appropriate person" means—

- (a) in the case of a notice requiring the execution, on land comprised in an agricultural holding, of works involving the provision of fixed equipment, the landlord of the holding;
- (b) in any other case, the occupier of the unit to which the notice relates.

(7) A person aggrieved by a notice under this section requiring him to execute works involving the provision of fixed equipment may, within twenty-eight days from the service of the notice, appeal to a magistrates' court on any of the following grounds which are appropriate to the circumstances of the case, namely—

- (a) that the authority or Minister by whom the notice was served have, or has, refused unreasonably to approve the execution of alternative works, or that the works required by the notice to be executed are otherwise unreasonable in character or extent, or are unnecessary;
- (b) that it is unreasonable to require the execution of the works at the place specified in the notice;
- (c) that the time within which the works are to be executed is not reasonable for the purpose;

and the court may make such order either confirming or quashing or varying the notice as it thinks fit.

(8) A person aggrieved by a decision of a magistrates' court under this section may appeal to a court of quarter sessions.

(9) Subject to the rights of appeal conferred by the foregoing provisions of this section and (where an appeal is brought in exercise of any such right) to any order made by the court on the appeal, a person upon whom a notice is served under this section who fails to comply with the requirements of the notice shall be guilty of an offence:

Provided that, in any proceedings under this subsection for an offence consisting in a failure to comply with the requirements of a notice other than one to which subsection (7) of this section applies, it shall be open to the defendant to question the reasonableness of the requirements of the notice.

(10) Section nine of the Agricultural Holdings Act, 1948 (which provides for increasing the rent of an agricultural holding upon which the landlord has executed improvements in the circumstances mentioned in subsection (1) of that section) shall have effect as if, in that subsection, the reference to works for the supply of water to the holding included a reference to works executed thereon for the purpose of complying with the requirements of a notice under this section.

4.—(1) Regulations may be made for requiring, in such circumstances as may be prescribed by the regulations, the provision, by the employer of workers employed in agriculture on land which is not occupied by him, of such sanitary conveniences for the use of those workers as may be so prescribed.

Power to require provision of sanitary conveniences by agricultural contractors.

(2) Regulations under this section may make different provision to meet different circumstances.

(3) A person who contravenes any provision of regulations under this section shall be guilty of an offence.

5.—(1) If it appears to a sanitary authority that a sanitary convenience provided for the use of workers employed in agriculture on an agricultural unit within their district (being a convenience provided on the unit or provided in pursuance of regulations under the last foregoing section elsewhere) is not being properly maintained or is not being kept clean, they shall, by notice to the occupier of the unit (or, where the convenience is provided in pursuance of such regulations as aforesaid, to the person who provided it) require him, as the case may be, to take, within such time as may be specified in the notice, such steps for the purpose of securing the proper maintenance of the convenience as may be so specified or to cleanse the convenience forthwith.

Power of sanitary authority to secure maintenance and cleanliness of sanitary conveniences.

(2) A person who fails to comply with the requirements of a notice under this section shall be guilty of an offence:

Provided that, in any proceedings under this subsection for an offence consisting in a failure to comply with the requirements of

a notice requiring the taking of steps for the purpose of securing the proper maintenance of a convenience, it shall be open to the defendant to question the reasonableness of the requirements of the notice.

First aid.

6.—(1) A worker employed in agriculture shall not be employed to work on an agricultural unit unless there is provided thereon a first aid box or cupboard which—

- (a) contains first aid requisites and appliances of such descriptions and in such quantities as may be prescribed by regulations applicable to the part of Great Britain in which the unit is situate;
- (b) contains no articles other than first aid requisites or appliances;
- (c) is conspicuously marked on the outside with the words "First Aid"; and
- (d) is accessible to him.

(2) Regulations may be made for requiring the provision, at such places on an agricultural unit on which workers are employed in agriculture as may be prescribed by the regulations, and either at all times or at such times as may be so prescribed, of containers containing first-aid requisites and appliances of such descriptions and in such quantities as may be so prescribed, being containers complying with such requirements (if any) as may be so prescribed with respect to the form thereof and the marking thereof for the purpose of indicating the nature of the contents thereof, but nothing in any such regulation shall be construed as derogating from subsection (1) of this section.

(3) Regulations under this section may make different provision to meet different circumstances.

(4) In the event of a contravention of the provisions of subsection (1) of this section in the case of a worker, his employer shall be guilty of an offence, and a person who contravenes any provision of regulations under subsection (2) of this section shall be guilty of an offence.

Measures for Avoiding Accidents to Children

Power to prohibit children from riding on or driving vehicles, machinery or implements used in agriculture.

7.—(1) Regulations may be made for prohibiting children who have not attained the age at which their employment ceases to be prohibited under paragraph (a) of subsection (1) of section eighteen of the Children and Young Persons Act, 1933, from riding on or driving vehicles or machines of prescribed classes while the vehicles or machines are being used in the course of agricultural operations or are going to or from the site of such operations or from riding on agricultural implements of prescribed classes while the implements are being towed or propelled (whether by vehicles, machines or animals).

(2) A prohibition imposed by regulations under this section may be absolute or may be limited by reference to particular circumstances, and in this section the expression "prescribed" means prescribed by regulations thereunder.

(3) A person who causes or permits a child, in contravention of the provisions of regulations under this section, to ride on or drive a vehicle or machine or, as the case may be, to ride on an agricultural implement, shall be guilty of an offence.

Notification and Investigation of Accidents and Diseases

8.—(1) Regulations may be made for requiring—

(a) the notification, to such person and in such form and manner as may be prescribed by the regulations, of the occurrence, in the course of agricultural operations, of accidents of such classes as may be so prescribed and of the contraction by persons engaged in agriculture (whether as workers or not) of such diseases as may be so prescribed ;

Notification
of, and keeping
of records as
to, accidents
and diseases.

(b) the keeping, by an employer of workers employed in agriculture, of records of the occurrence, in the course of agricultural operations, of accidents of such classes as may be prescribed by the regulations, being accidents whereby bodily injury is caused to workers so employed by that employer, and of the contraction by workers so employed by that employer of such diseases as may be so prescribed (whether or not notice of the occurrence of accidents of those classes or, as the case may be, the contraction by persons of those diseases is required to be given by virtue of the foregoing paragraph) ;

and any such regulations may include provision for requiring a notice or record to be given or made in pursuance of the regulations to be accompanied by or, as the case may be, to include such particulars with respect to the matter notified or recorded as may be prescribed by the regulations.

(2) A person who contravenes any provision of regulations under this section shall be guilty of an offence :

Provided that, in any proceedings taken for a contravention of a provision of such regulations consisting in a failure to give notice or make a record of the occurrence of an accident or the contraction by a person of a disease, it shall be a defence for the person charged to prove that he was not aware that the accident had occurred or, as the case may be, that the first-mentioned person had contracted the disease.

**Inquest in
case of death
by accident.**

9.—(1) Where a coroner holds an inquest on the body of a person whose death may have been caused by an accident occurring in the course of agricultural operations, the coroner shall adjourn the inquest unless an inspector or some other person on behalf of the appropriate Minister is present to watch the proceedings, and shall, at least four days before holding the adjourned inquest, give to an inspector notice of the time and place of holding the adjourned inquest:

Provided that—

- (a) the coroner, before the adjournment, may take evidence to identify the body and may order the interment thereof; and
- (b) if the inquest relates to the death of not more than one person, the coroner shall not be bound to adjourn the inquest in pursuance of this section if, not less than twenty-four hours before it is held, he informed an inspector of the time and place of the holding thereof.

(2) Where evidence is given at any such inquest at which an inspector is not present of any neglect as having caused or contributed to the accident, or of any defect in any building, structure, machinery, plant, equipment or appliance appearing to the coroner or jury to require a remedy, the coroner shall give to an inspector notice of the neglect or defect.

Supplementary Provisions

**Appointment
of inspectors
and their
powers.**

10.—(1) The appropriate Minister may, with the approval of the Treasury as to numbers, appoint such inspectors as he thinks necessary for the execution of this Act and may pay them such salaries as he may, with the approval of the Treasury, determine.

(2) An inspector may, for the purpose of the execution of this Act or regulations thereunder and on producing, if so required, some duly authenticated document showing his appointment, enter at all reasonable hours any land which is being used for agriculture or which he has reasonable cause to believe to be such land as aforesaid:

Provided that admission shall not be demanded under this subsection to a dwelling-house unless twenty-four hours' notice of the intended entry has been given to the occupier of the house.

(3) An inspector shall have power to do all or any of the following things for the purpose of the execution of this Act or regulations thereunder, that is to say:—

- (a) to require the production of, and to inspect, examine and copy, registers, records or other documents kept in pursuance of regulations under this Act;

- (b) to make such examinations and inquiries as may be necessary to ascertain whether the provisions of this Act and of regulations thereunder are complied with and, in particular, for that purpose to require any person whom he finds on such land as is mentioned in subsection (2) of this section or whom he has reasonable cause to believe to be, or to have been within the preceding two months, employed to work thereon to answer such questions as the inspector thinks fit to ask, so, however, that no one shall be required under this provision to answer any question tending to criminate himself ;
- (c) to require any person whom he finds on such land as is mentioned in subsection (2) of this section to give such information as it is in his power to give as to who is the occupier thereof or the employer of workers employed to work thereon.

(4) Where an inspector believes that an offence under this Act has been committed and proposes, in exercise of the powers conferred by paragraph (b) of the last foregoing subsection, to ask questions of a person for the purpose of verifying the inspector's belief or of ascertaining particulars of the offence, it shall be his duty, before asking the questions, to inform that person of his right to refuse to answer a question tending to criminate him.

(5) A person who—

- (a) fails to comply with any requirement imposed by an inspector under this section ; or
- (b) in purported compliance with a requirement so imposed to answer any question or give any information makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular ; or
- (c) prevents, or attempts to prevent, any other person from appearing before an inspector or from answering any question to which an inspector may, by virtue of this section, require an answer ; or
- (d) obstructs an inspector in the exercise or performance of his powers or duties ;

shall be guilty of an offence.

11.—(1) A person duly authorised in writing by a sanitary authority may, on producing, if so required, evidence of his authority, enter at all reasonable hours any land for the purpose of determining ^{Inspections by sanitary authority.}

- (a) whether, and if so, in what manner, the power conferred by subsection (1) of section three of this Act is to be

exercised as respects that land or whether there has been a failure to comply, as respects that land, with the requirements of a notice under that subsection ; or

- (b) whether, and if so, in what manner, the power conferred by section five of this Act is to be exercised as respects a sanitary convenience on that land, or whether there has been a failure to comply, as respects a sanitary convenience on that land, with the requirements of a notice under that section :

Provided that admission shall not be demanded under this subsection to a dwelling-house unless twenty-four hours' notice of the intended entry has been given to the occupier of the house.

- (2) A person who obstructs a person acting in the exercise of his powers under this section shall be guilty of an offence.

Falsification of records, &c.

12. A person who wilfully makes a false entry in a register, record, return or other document kept or furnished in pursuance of regulations under this Act, or wilfully makes use of such a false entry, shall be guilty of an offence.

Duties of employees.

13.—(1) A worker employed in agriculture who wilfully interferes with, or misuses, any equipment, appliance, facilities or other thing provided in pursuance of this Act or regulations thereunder shall be guilty of an offence.

(2) Nothing in this section shall be taken as limiting the power conferred by section one of this Act to make by regulations any such provision as is therein mentioned, including further provision as to matters which are the subject of this section.

Punishment of offences.

14.—(1) A person guilty of an offence under this Act shall be liable, on summary conviction, to a fine not exceeding fifty pounds.

(2) Where a contravention of a provision of regulations under this Act consists in a failure to do anything at or within a time specified in the regulations, and the regulations provide that this subsection shall apply to a failure so to do it, the contravention shall be deemed to continue until that thing is done.

(3) Where an offence under this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person 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.

In this subsection, the expression "director", in relation to any body corporate which is established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking and whose affairs are managed by the members thereof, means a member of that body.

15. Where a contravention of a provision of this Act or of regulations thereunder for which a person is, by virtue of the last foregoing section, liable on conviction to a penalty was due to an act or default of another person, then, whether proceedings are or are not taken against the first-mentioned person, that other person may be charged with, and convicted of, the contravention, and shall, on conviction, be liable to the same punishment as that to which the first-mentioned person is, on conviction, liable.

Penalty on persons actually committing offences for which others are liable.

16. It shall be a defence for a person charged with a contravention of a provision of this Act or of regulations thereunder to prove that he used all due diligence to secure compliance with that provision.

Defence available to persons charged with offences.

17.—(1) Regulations under any provision of this Act may be either regulations applying to Great Britain and made by the Minister of Agriculture, Fisheries and Food and the Secretary of State jointly, or regulations applying to England and Wales only and made by the said Minister, or regulations applying to Scotland only and made by the Secretary of State.

Provisions as to exercise of regulation-making powers.

(2) When the Minister of Agriculture, Fisheries and Food and the Secretary of State, or either of them, propose or proposes to make regulations under this Act, they or he shall, before making the regulations, consult with such organisations as appear to them or him to represent the interests concerned.

(3) The powers conferred by this Act to make regulations shall be exercisable by statutory instrument.

(4) No regulations shall be made under section one of this Act unless a draft thereof has been laid before Parliament and approved by resolution of each House of Parliament.

(5) A statutory instrument containing regulations made under any provision of this Act (other than section one) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

18.—(1) This Act may by order be extended (subject to such exceptions, adaptations and modifications, if any, as may be specified in the order) to such class of persons employed otherwise than in agriculture as may be so specified, being a class of persons whose work is done in conditions appearing to the authority by whom the order is made to be similar to those in which the work of persons employed in agriculture is done.

Power to extend Act to certain persons employed otherwise than in agriculture.

(2) An order under this section may be either one extending this Act in its application to Great Britain and made by the Minister of Agriculture, Fisheries and Food and the Secretary of State jointly, or one extending this Act in its application to England and Wales only and made by the said Minister, or one extending this Act in its application to Scotland only and made by the Secretary of State.

(3) An order under this section may be varied or revoked by a subsequent order thereunder made by the authority who made the original order.

(4) The powers conferred by this section shall be exercisable by statutory instrument and no order shall be made under this section unless a draft thereof has been laid before Parliament and has been approved by resolution of each House of Parliament.

Power to exclude operation of provisions of the Factories Acts, 1937 and 1948.

19.—(1) Provision may be made by order for directing that such of the provisions of the Factories Acts, 1937 and 1948, as may be specified in the order shall not apply, or shall not apply to such extent as may be so specified, to—

- (a) any premises occupied for agricultural purposes ;
- (b) any premises whereon there is carried on work in which are employed persons of a class to which this Act extends by virtue of an order under the last foregoing section.

(2) An order under this section may be either one relating to premises in any part of Great Britain and made by the Minister of Agriculture, Fisheries and Food, the Secretary of State and the Minister of Labour and National Service jointly, or one relating to premises in England and Wales only and made by the Minister of Agriculture, Fisheries and Food and the Minister of Labour and National Service jointly or one relating to premises in Scotland only and made by the Secretary of State and the Minister of Labour and National Service jointly.

(3) An order under this section may be varied or revoked by a subsequent order thereunder made by the authority who made the original order.

(4) The powers conferred by this section shall be exercisable by statutory instrument and no order shall be made under this section unless a draft thereof has been laid before Parliament and has been approved by resolution of each House of Parliament.

Form, and mode of service, of notices.

20. A notice under this Act must be in writing and may be served on the person to whom it is to be given either by delivering it to him or by sending it by post addressed to him at his usual or last known place of abode.

21.—(1) The Minister of Agriculture, Fisheries and Food shall **Annual** make an annual report to Parliament of his proceedings under **reports.** this Act.

(2) The Secretary of State shall include in the annual report made in pursuance of subsection (2) of section four of the Small Landholders (Scotland) Act, 1911, a report of his proceedings under this Act.

22. Sections one, two and six of this Act and regulations **Application** under any of those sections shall, in so far as they impose duties **to the Crown.** failure to comply with which might give rise to a liability in tort, be binding upon the Crown.

23. Any expenses incurred by the Minister of Agriculture, **Expenses.** Fisheries and Food or the Secretary of State in carrying out this Act shall be defrayed out of moneys provided by Parliament.

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

“agriculture” includes dairy-farming, the production of any consumable produce which is grown for sale or for consumption or other use for the purposes of a trade or business or of any other undertaking (whether carried on for profit or not), and the use of land as grazing, meadow or pasture land or orchard or osier land or woodland or for market gardens or nursery grounds, and “agricultural” shall be construed accordingly;

“agricultural holding”, “fixed equipment” and “landlord” have the same meanings as in the Agricultural Holdings Act, 1948;

“agricultural unit” means land which is occupied as a unit for agricultural purposes;

“the appropriate Minister” means, for the purposes of the application of this Act or regulations thereunder to England and Wales, the Minister of Agriculture, Fisheries and Food, and, for the purposes of the application of this Act or regulations thereunder to Scotland, the Secretary of State;

“consumable produce” means produce grown for consumption or for other use after severance from the land on which it is grown;

“inspector” means an inspector appointed under this Act;

“sanitary authority” means, save as respects the administrative county of London, the council of a borough or urban or rural district and, as respects the administrative county of London, a sanitary authority for the purposes of the Public Health (London) Act, 1936;

“ worker ” means a person employed under a contract of service or apprenticeship and “ employer ” and “ employed ” have corresponding meanings ;

“ young person ” means a person who is over compulsory school age for the purposes of the Education Act, 1944, but has not attained the age of eighteen.

(2) Any reference in this Act to a contravention of any provision shall include a reference to a failure to comply with that provision.

(3) For the purposes of this Act an agricultural unit which is situate within the districts of two or more sanitary authorities shall be deemed to be wholly situate within the district of that one of them within whose district the greater or, as the case may be, the greatest part of the unit is situate.

(4) Any reference in this Act to any other enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.

**Application
to Scotland.**

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

(2) Any regulations under section one of this Act providing for imposing requirements with respect to the execution of works of the nature of fixed equipment shall provide for imposing such requirements in relation to any land being an agricultural holding on the landlord of the holding.

(3) For section three of this Act there shall be substituted the following section—

“ 3.—(1) If it appears to a local authority that an agricultural unit in their district on which workers are employed in agriculture is without suitable and sufficient sanitary conveniences or washing facilities available for the use of workers so employed, the authority shall, by notice served on the appropriate person, require him, within such time as may be specified in the notice, to execute such works or take such other steps for the purpose of providing the unit with suitable and sufficient sanitary conveniences or washing facilities, as the case may be, available for the use of workers employed thereon in agriculture as may be specified in the notice.

(2) In considering, for the purposes of this section, whether an agricultural unit is without suitable and sufficient sanitary conveniences or washing facilities available for the use of workers employed on the unit in agriculture, regard shall be had to the number and sex of the workers so employed, the location and duration of their work and to all other relevant circumstances.

(3) A local authority shall not serve a notice under this section requiring the execution of works of the nature of fixed equipment unless they are satisfied that special circumstances exist which render requisite the execution of such works, and no such notice shall be of any effect unless it states that the authority are so satisfied and what those circumstances are.

(4) For the purposes of this section the expression "appropriate person" means—

(a) in the case of a notice requiring the execution, on land being an agricultural holding, of works of the nature of fixed equipment, the landlord of the holding;

(b) in the case of a notice requiring the execution, on land in the occupation of the owner thereof, of works of the nature aforesaid, the owner of the land;

(c) in the case of a notice requiring the execution of works other than works of the nature of fixed equipment, or the taking of other steps, the occupier of the unit to which the notice relates.

(5) Any person aggrieved by a notice under this section may appeal to the sheriff by giving notice of appeal within twenty-one days after the date of the service of the notice; and the sheriff may either confirm the notice or, if he is satisfied that the works required to be executed or the steps required to be taken are unnecessary or are unreasonable in character or extent, or are not reasonably practicable, or that the local authority have refused unreasonably to approve the execution of alternative works or the taking of alternative steps, or that for any other reason the notice should be disallowed or varied, may disallow the notice or may confirm the notice subject to such variation as he may specify, and may make such order as to the expenses of the appeal as he may think equitable.

The decision of the sheriff shall be final and shall be binding both on the authority and on the person on whom the notice is served.

(6) Subject to the right of appeal conferred by the last foregoing subsection and to any order made by the sheriff on such appeal, a person on whom a notice is served under this section who fails to comply with the requirements of the notice shall be guilty of an offence."

(4) Where by virtue of any regulations made under section one of this Act or of a notice served under section three thereof any works of the nature of fixed equipment are required to be executed on any land being an agricultural holding, the provisions

of subsections (2), (3) and (5) of section five of the Agricultural Holdings (Scotland) Act, 1949 (which defines the respective liabilities of landlord and tenant for the provision and maintenance of fixed equipment) and section eighteen of that Act (which empowers the landlord of a holding to enter thereon for the purpose of providing fixed equipment) shall apply in relation to such works as aforesaid as they apply in relation to fixed equipment within the meaning of that Act.

(5) Where the landlord of an agricultural holding has executed thereon works of the nature of fixed equipment which are required to be executed as mentioned in the last foregoing subsection or has executed similar works at the request of, or in agreement with, the tenant, section eight of the Agricultural Holdings (Scotland) Act, 1949 (which provides for increases of rent in respect of improvements carried out by the landlord) shall have effect as if the works so executed were such an improvement as is mentioned in subsection (1) of that section.

(6) For section five there shall be substituted the following section—

“ (1) Any sanitary convenience and any washing facilities available for the use of workers employed on an agricultural unit in agriculture and any sanitary convenience provided in pursuance of regulations under section four of this Act shall be kept properly cleansed.

(2) In the event of a contravention of the provisions of this section in relation to a sanitary convenience provided in pursuance of regulations under the said section four, the employer by whom it was provided, and in any other case the occupier of the agricultural unit, shall be guilty of an offence ”.

(7) In section seven for the reference to section eighteen of the Children and Young Persons Act, 1933, there shall be substituted a reference to section twenty-eight of the Children and Young Persons (Scotland) Act, 1937.

(8) In section eleven for paragraph (b) of subsection (1) there shall be substituted the following paragraph—

“ (b) whether there has been a failure to comply, as respects a sanitary convenience or any washing facilities on that land, with the requirements of section five of this Act ”.

(9) For any reference to a sanitary authority there shall be substituted a reference to a local authority.

(10) In this Act the following expressions have the meanings hereby assigned to them respectively, that is to say—

“ agricultural holding ”, “ fixed equipment ” and “ landlord ” have the like meanings as in the Agricultural Holdings (Scotland) Act, 1949 ;

“owner” has the like meaning as in the Public Health (Scotland) Act, 1897, and in the case of an agricultural unit occupied by a landholder within the meaning of the Small Landholders (Scotland) Acts, 1886 to 1931, or a crofter within the meaning of the Crofters (Scotland) Act, 1955, means that landholder or crofter ;

“local authority” means a county or town council ;

“tort” means delict or quasi-delict ;

“worker” means a person employed under a contract of service or apprenticeship or a person employed in accordance with the provisions of Part III of the Children and Young Persons (Scotland) Act, 1937, and the Education (Exemptions) (Scotland) Act, 1947, and “employer” and “employed” have corresponding meanings ;

“young person” means a person who is over school age for the purposes of the Education (Scotland) Act, 1946, but who has not attained the age of eighteen ;

and subsection (1) of section twenty-four shall have effect as if the definitions of “agricultural holding”, “fixed equipment”, “landlord”, “sanitary authority”, “worker” and “young person” were omitted.

26.—(1) This Act may be cited as the Agriculture (Safety, Health and Welfare Provisions) Act, 1956. Short title and extent.

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

— ∞ —
Table of Statutes referred to in this Act

Short Title	Session and Chapter
Threshing Machines Act, 1878	41 & 42 Vict. c. 12.
Public Health (Scotland) Act, 1897	60 & 61 Vict. c. 38.
Chaff-Cutting Machines (Accidents) Act, 1897.	60 & 61 Vict. c. 60.
Small Landholders (Scotland) Act, 1911	1 & 2 Geo. 5. c. 49.
Children and Young Persons Act, 1933	23 & 24 Geo. 5. c. 12.
Public Health (London) Act, 1936	26 Geo. 5. & 1 Edw. 8. c. 50.
Children and Young Persons (Scotland) Act, 1937.	1 Edw. 8 & 1 Geo. 6. c. 37.
Education Act, 1944	7 & 8 Geo. 6. c. 31.
Education (Scotland) Act, 1946	9 & 10 Geo. 6. c. 72.
Education (Exemptions) (Scotland) Act, 1947	10 & 11 Geo. 6. c. 36.
Agricultural Holdings Act, 1948	11 & 12 Geo. 6. c. 63.
Agricultural Holdings (Scotland) Act, 1949	12, 13 & 14 Geo. 6. c. 75.
Crofters (Scotland) Act, 1955	3 & 4 Eliz. 2. c. 21.

CHAPTER 50*Family Allowances and National Insurance Act, 1956*

ARRANGEMENT OF SECTIONS

Section

1. Increase of family allowances and extension of definition of child for purposes of family allowances and national insurance benefits.
2. Provisions as to national insurance benefits for widows.
3. Validation of certain marriages for purposes of family allowances and national insurance benefits.
4. Reciprocal arrangements with other countries in connection with family allowances.
5. Return to family of persons committed to care of local authority.
6. Appointed day and transitional provisions.
7. Expenses.
8. Provision as to Northern Ireland.
9. Citation, construction, etc.

SCHEDULE—Amendments of certain enactments.

An Act to increase the rate of certain allowances under the Family Allowances Acts, 1945 and 1952; to extend the definition of a child for the purposes of those Acts, the National Insurance (Industrial Injuries) Acts, 1946 to 1954, and the National Insurance Acts, 1946 to 1955; to amend the provisions of the said Acts of 1946 to 1954 and 1946 to 1955 with respect to benefits payable to widows; to validate certain marriages for the purposes of the Acts aforesaid; to make provision with respect to reciprocal arrangements with other countries in connection with family allowances; to authorise a local authority to whose care a person has been committed by an order of any court under the Children and Young Persons Act, 1933, or the Children and Young Persons (Scotland) Act, 1937, to entrust the care and control of that person to a parent, guardian, relative or friend; to permit such a person to be treated as included in a family for the purposes of family allowances while the control of that person is so entrusted; and for purposes connected with the matters aforesaid. [5th July, 1956]

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:—

Increase of family allowances and extension of definition of child for

1.—(1) As from the appointed day, section one of the Family Allowances Act, 1945 (which, as amended by section one of the Family Allowances and National Insurance Act, 1952, provides for the payment for every family which includes two or more children of an allowance in respect of each child other than the

elder or eldest at the rate of eight shillings a week) shall be amended by adding after the word "week" the words "in respect of the first child other than the elder or eldest and ten shillings a week in respect of each other such child".

purposes
of family
allowances
and national
insurance
benefits.

(2) As from the appointed day, the Family Allowances Acts, 1945 and 1952, the National Insurance (Industrial Injuries) Acts, 1946 to 1954, and the National Insurance Acts, 1946 to 1955, shall have effect as if for paragraph (b) of subsection (1) of section two of the said Act of 1945 (which specifies the period during which a person who has attained the upper limit of the compulsory school age is to be treated as a child for the purposes of the said Acts) there were substituted the following—

"(b) during any period before he or she attains the age of eighteen years whilst he or she is undergoing full-time instruction in a school or is an apprentice; and

(c) in the case of a person who, by reason of illness or disability of mind or body, has at no time attended, or has before attaining the upper limit aforesaid ceased to attend, at any school and who is not treated under regulations made under this Act as undergoing full-time instruction in a school or full-time training, during any period whilst he or she is under the age of sixteen years and is incapacitated by that illness or disability both for attendance at a school and for employment."

2.—(1) As from the appointed day, the enactments specified in the Schedule to this Act shall have effect subject to the amendments therein respectively specified, being amendments—

Provisions as
to national
insurance
benefits for
widows.

- (a) to increase the weekly rate of widowed mother's allowance by a further five shillings in respect of each child by virtue of whom the widow is entitled to the allowance;
- (b) to make other amendments with respect to payments by way of widowed mother's allowance; and
- (c) to make corresponding amendments in the provisions relating to widow's allowance and to benefits payable to widows under the National Insurance (Industrial Injuries) Act, 1946.

(2) As from the appointed day, a widow who would be entitled to a widow's pension under subsection (1) of section seventeen, or subsection (1) or (4) of section eighteen, of the National Insurance Act, 1946, but for the fact that the period of the duration of her marriage, or the period between the date of her marriage and the time when she ceased to be entitled to a widow's benefit under some other provision of that Act, as the case may be, was less than ten years shall be so entitled if that period was not less than three years, and accordingly in each of the said subsections for the words "ten years", wherever those words occur, there shall be substituted the words "three years".

(3) A widow over pensionable age who was not entitled immediately before attaining that age to a widow's pension in respect of her husband's death but would have been so entitled if the foregoing subsection had then been in force shall have the same right, if any, to a retirement pension under paragraph (b) of subsection (1) of section twenty-one of the National Insurance Act, 1946, by virtue of the insurance of her husband as if she had been so entitled.

(4) Where a widow becomes, or is treated as having been, entitled to a widow's pension by virtue of subsection (2) or subsection (3) of this section, and her husband died before the appointed day, subsection (6) of the said section twenty-one (which confers on a widow not entitled to widow's benefit certain rights with respect to a retirement pension by virtue of her own insurance) shall continue to apply to her in like manner as if those subsections had not been passed.

(5) As from the appointed day, subsection (1) of section eighteen of the National Insurance Act, 1946, shall not confer any right to a widow's pension on a widow who ceases to be entitled to a widowed mother's allowance unless at the time when she ceases to be so entitled she is over the age of fifty, and accordingly in paragraph (a) of the said subsection (1) for the word "forty" there shall be substituted the word "fifty":

Provided that this subsection shall not apply if the husband in respect of whose death the widow was entitled to widowed mother's allowance died before the appointed day.

(6) In section fifty-nine of the National Insurance Act, 1946 (which confers power on the Minister to make regulations modifying the provisions of that Act in their application in relation to married women, and in relation to women who have been married and during their marriage were affected by any such regulations)—

(a) in subsection (1) the words "and during their marriage were affected by any such regulations" shall cease to have effect; and

(b) at the end of subsection (3) (which provides that without prejudice to the generality of the power aforesaid such regulations may in particular provide for certain matters) there shall be added the following paragraph—

"(c) for modifying in relation to a widow, in such circumstances as may be prescribed, the provisions of this Act with respect to entitlement to unemployment benefit and sickness benefit";

and regulations under subsection (3) of section eighteen of the said Act of 1946 (which relates to the right of a widow to a widow's pension where she ceases to be entitled to widow's

benefit at a time when she is by reason of any infirmity incapable of self support and is under pensionable age) shall not confer any right to a widow's pension on any widow who so ceases to be entitled after regulations made by virtue of paragraph (b) of this subsection have come into force.

3. As from the appointed day, a marriage performed outside the United Kingdom under a law which permits polygamy shall be treated for any purpose of the Family Allowances Acts, 1945 and 1952, the National Insurance (Industrial Injuries) Acts, 1946 to 1954, the National Insurance Acts, 1946 to 1955, and this Act as being and having at all times been a valid marriage if and so long as the authority by whom any question or claim arising in connection with that purpose falls to be determined is satisfied that the marriage has in fact at all times been monogamous.

Validation of certain marriages for purposes of family allowances and national insurance benefits.

4.—(1) Section sixty-four of the National Insurance Act, 1946 (which provides that, for the purpose of giving effect to any agreement with the government of any part of Her Majesty's dominions other than Northern Ireland, or with the government of any other country, providing for reciprocity in matters such as are specified in subsection (1) of that section, Her Majesty may by Order in Council make provision for modifying or adapting the said Act in its application to cases affected by the agreement) and subsections (1) to (3) of section seventy-five of that Act (which make general provision as to such Orders in Council) shall have effect as if—

Reciprocal arrangements with other countries in connection with family allowances.

- (a) the matters specified as aforesaid included matters relating to payments for purposes similar or comparable to the purposes of the Family Allowances Acts, 1945 and 1952, and so much of this Act as relates to family allowances;
- (b) any reference in the said sections to the said Act of 1946 included a reference to the enactments mentioned in the foregoing paragraph; and
- (c) in relation to matters relating to such payments as aforesaid, there were omitted from paragraph (d) of subsection (2) of the said section sixty-four the words "by payments into or out of the National Insurance Fund".

(2) Section twenty-five of the Family Allowances Act, 1945 (which makes provision as to reciprocal arrangements with other parts of Her Majesty's dominions) shall cease to have effect except for the purposes of arrangements with Northern Ireland:

Provided that the foregoing provisions of this subsection shall not affect any arrangements, or any regulations under the

M*

said section twenty-five to give effect thereto, in force immediately before the passing of this Act, but any such regulations shall remain in force until the arrangements to which they relate are rescinded or until the regulations are revoked by an Order in Council made by virtue of the foregoing subsection.

Return to
family of
persons
committed to
care of local
authority.

5.—(1) Where any person under the age of eighteen years has by an order of any court under the Children and Young Persons Act, 1933, or the Children and Young Persons (Scotland) Act, 1937, been committed (whether as a child or as a young person as defined in those Acts) to the care of a local authority as a fit person, then, if it appears to the local authority that it will or may be for the benefit of that person so to do, the authority may, notwithstanding anything in the said Acts, in the Children Act, 1948, or in the order, but without prejudice to the powers of the authority in relation to that person by virtue of the order, allow, until the authority otherwise determine, that person to be under the charge and control of a parent, guardian, relative or friend.

(2) If, at any time while a person who has been committed by such an order as aforesaid to the care of a local authority is allowed by the authority to be under the control of a parent, guardian, relative or friend of that person, it appears to the authority that the order is no longer necessary and might properly be revoked, the authority shall make an application accordingly to the court which under subsection (6) of section eighty-four of the said Act of 1933 or, as the case may be, under subsection (6) of section eighty-eight of the said Act of 1937 has jurisdiction to revoke or vary that order.

(3) In respect of any period during which, under the provisions of subsection (1) of this section, a person who has been committed as aforesaid to the care of a local authority is allowed by the authority to be under the control of a parent, guardian, relative or friend of that person—

- (a) no contributions shall be payable under any contribution order made in respect of that person under section eighty-seven of the said Act of 1933 or under section ninety-one of the said Act of 1937 (which relate to the enforcement of the duty to make contributions in respect of such persons by certain other persons); and
- (b) as from the appointed day, subsection (2) of section eleven of the Family Allowances Act, 1945 (which provides that a person who is a child within the meaning of that Act shall not, for the purposes of that Act, be treated as included in any family as respects any period during which there is in force an order committing that person as aforesaid) shall not have effect in relation to that person.

(4) In subsection (4) of section eighty-eight of the said Act of 1933 (which relates to the circumstances in which, where payments

under an affiliation order in respect of a person committed as aforesaid have been diverted by an order of a court to the person entitled to receive the contributions aforesaid, that affiliation order is to cease to remain in force, subject to provisions for its revival) at the end of paragraph (a) there shall be inserted the words " or after he has been allowed under the provisions of subsection (1) of section five of the Family Allowances and National Insurance Act, 1956, to be under the control of a parent, guardian, relative or friend."

(5) If—

- (a) a person committed as aforesaid to the care of a local authority has been allowed by the authority under the provisions of subsection (1) of this section to be under the charge and control of a parent, guardian, relative or friend; and
- (b) the authority at any time determine under the said subsection (1) that that person shall no longer be allowed to remain under that charge and control; and
- (c) any instructions of the authority with respect to the return of that person to the authority are not complied with,

then for the purposes of section eighty-five of the said Act of 1933 or, as the case may be, section eighty-nine of the said Act of 1937 (which relate to escapes from the care of fit persons) that person shall be deemed to have run away from the authority.

(6) The functions of a local authority under this section shall be included in the functions for the purposes of which the authority are required to establish a children's committee, and at the end of subsection (1) of section thirty-nine of the Children Act, 1948 (which specifies the enactments conferring the functions for the purposes of which such a committee is required to be established) there shall be added the words " and

- (e) section five of the Family Allowances and National Insurance Act, 1956."

(7) In this section—

- (a) the expressions " parent ", " guardian ", and " relative " have the same meanings as in the Children Act, 1948;
- (b) references to any enactment shall be construed as references to that enactment as amended by or under any other enactment.

6.—(1) In this Act, the expression " the appointed day " means, subject to the next following subsection, such day as the Minister may by order made by statutory instrument appoint, and different days may be appointed for different purposes of this Act or for

Appointed day and transitional provisions.

the same purpose in relation to different cases or classes of case; and any such order may be varied or revoked by a subsequent order under this subsection.

(2) Any order under the foregoing subsection may, if the date thereby appointed is appointed for some only of the purposes of this Act or in relation only to some cases or classes of case, contain such incidental or supplementary provisions as appear to the Minister to be necessary or expedient as respects the period or any part of the period when this Act is to have a partial operation only, and, in particular, provisions modifying and supplementing, in relation to the period to which the order is to apply, the provisions of this Act or any Act amended by this Act.

(3) No payment shall be made under any enactment by virtue of any provision of this Act in respect of any period falling, or by way of a lump sum benefit in respect of any event occurring, before the appointed day, but, subject to the provisions of this section, the entitlement of any person to any payment under the National Insurance (Industrial Injuries) Act, 1946, or the National Insurance Act, 1946, in respect of any period after the beginning of the appointed day shall be determined—

- (a) as if the appointed day for all the purposes of this Act had been the day of the passing thereof; and
- (b) where a person who attains the age of eighteen after the passing of this Act would at the date of the death of some other person, being a date before the passing of this Act, have been treated as a child of that other person's family if the appointed day had fallen before that date, as if that person had at that date been a child of that other person's family.

(4) Where, immediately before the appointed day, a person is entitled in respect of a dependant, not being that person's spouse or a child, to an increase in the weekly rate of a benefit—

- (a) under section eighteen of the National Insurance (Industrial Injuries) Act, 1946 (which relates to injury benefit and disablement pension);
- (b) under subsection (2) of section twenty-four of the National Insurance Act, 1946 (which relates to unemployment benefit and sickness benefit); or
- (c) under section eight of the National Insurance Act, 1953 (which relates to maternity allowance),

and on the appointed day that dependant becomes a child by virtue of subsection (2) of section one of this Act, then, during any period during which that person would have continued without a break to be entitled to that or another such benefit at a weekly rate increased by the like amount if the said subsection had not

been passed, he may be treated as being so entitled; and during any period during which he is so treated, without prejudice to that or any other person's entitlement to any benefit under either of the said Acts of 1946 by virtue of that dependant's having so become a child, no payment shall be made to that person in respect of that dependant of so much, if any, of that benefit as is expressed to be payable in respect of a child.

(5) No payment shall be made under any enactment—

- (a) by virtue of subsection (2) of section one of, or paragraph 1, 9 or 11 of the Schedule to, this Act in respect of or by reference to any person who had before the passing of this Act ceased to be a child or in respect of a child of any person's family as having been, or having been capable of being treated as, a child of another person's family; or
- (b) by virtue of subsection (2) or (3) of section two of this Act to a person who, subject to this subsection, is entitled to such a payment in respect of a period beginning with the appointed day; or
- (c) by virtue of section three of this Act; or
- (d) by virtue of paragraph (b) of subsection (3) of section five of this Act,

unless a claim therefor has been made after the passing of this Act in accordance with the requirements of, or of any instrument made under, the enactment in question.

(6) Subsections (1) to (3) of section nine of the Family Allowances and National Insurance Act, 1952 (which relate to the effect of awards under the Family Allowances Act, 1945, and the said Acts of 1946 made before, or in respect of the period beginning before, the appointed day for the purposes of the said Act of 1952) shall have effect for the purposes of this Act as if any reference in those subsections to the said Act of 1952 were a reference to this Act.

(7) Section seventy-seven of the National Insurance Act, 1946 (which requires a preliminary draft of regulations to be submitted to the National Insurance Advisory Committee before the regulations are made or, in certain cases, before a draft thereof is laid before Parliament) shall not apply to any regulations made, or to any draft of regulations laid before Parliament, before the expiration of the period of six months beginning with the date of the passing of this Act if the instrument containing the regulations or, as the case may be, the draft of that instrument states that the regulations are made in consequence of this Act.

7. Any increase attributable to the provisions of this Act in the sums payable under any other Act out of moneys provided by Parliament shall be paid out of moneys so provided. Expenses.

Provision as
to Northern
Ireland.

8.—(1) Notwithstanding anything in subsection (2) of section four of this Act, the Parliament of Northern Ireland shall continue to have the power conferred by section twenty-seven of the Family Allowances Act, 1945, to make laws for purposes similar to the purposes of section twenty-five of that Act as originally enacted.

(2) Without prejudice to the foregoing subsection, the said Parliament shall, notwithstanding anything in the Government of Ireland Act, 1920, have power, in connection with any scheme of family allowances established by any enactment of that Parliament, to make laws for purposes similar to the purposes of subsection (1) of section four of this Act.

(3) Without prejudice to the operation, in relation to any matters arising out of this Act, of any provision relating to Northern Ireland of the Family Allowances Act, 1945, the National Insurance (Industrial Injuries) Act, 1946, or the National Insurance Act, 1946, this Act other than this section shall not extend to Northern Ireland.

Citation,
construction,
etc.

9.—(1) This Act may be cited as the Family Allowances and National Insurance Act, 1956.

(2) This Act—

(a) so far as it relates to the Family Allowances Act, 1945, shall be construed as one with that Act and may be cited together with the Family Allowances Acts, 1945 and 1952, as the Family Allowances Acts, 1945 to 1956;

(b) so far as it relates to the National Insurance (Industrial Injuries) Act, 1946, shall be construed as one with that Act and may be cited together with the National Insurance (Industrial Injuries) Acts, 1946 to 1954, as the National Insurance (Industrial Injuries) Acts, 1946 to 1956;

(c) so far as it relates to the National Insurance Act, 1946, shall be construed as one with that Act and be included among the Acts which may be cited together as the National Insurance Acts, 1946 to 1956;

and without prejudice to the generality of the provisions of paragraphs (b) and (c) of this subsection with respect to the construction of this Act, subsection (1) of section four of the National Insurance Act, 1954 (which relates to the making under the National Insurance Act, 1946, of regulations relating to the provisions of the said Act of 1954) shall have effect for the purposes of this Act as if any reference in that subsection to the said Act of 1954 were a reference to this Act.

SCHEDULE

Sections 2, 6.

AMENDMENTS OF CERTAIN ENACTMENTS

The National Insurance Act, 1946

(9 & 10 Geo. 6. c. 67)

1. For paragraph (b) of subsection (1) of section seventeen (which specifies the conditions of entitlement to widowed mother's allowance) there shall be substituted the following—

“ (b) in the case of a widowed mother's allowance—

(i) if the widow has a family which includes a child who—

(aa) at the husband's death was, or could have been treated under paragraph 3 of the Schedule to the Family Allowances Act, 1945, as, a child of his family; or

(bb) is a son or daughter of theirs; or

(cc) subject to such exceptions and conditions as may be prescribed, having at the death of a previous husband of the widow by a marriage which ended with that husband's death been a child of that husband's family, was at the death of the last husband a child of the widow's family,

and who, if for the time being included in the widow's family only by virtue of her contributing to the cost of providing for him, is so included by virtue of her so contributing at the rate of sixteen shillings and sixpence a week or more, so, however, that regulations may provide for reducing the allowance for any week during which no such child of the widow's family is residing with her to sixteen shillings and sixpence plus any increase in respect of any such child other than the elder or eldest; or

(ii) subject to such exceptions and conditions as may be prescribed, if the widow, while not having such a family as aforesaid, has residing with her a person who is under the age of eighteen years and is, has been, or would, but for the fact that at the husband's death that person had attained the upper limit of the compulsory school age or was not in Great Britain, be or have been, a child falling within paragraph (aa), (bb) or (cc) of the foregoing sub-paragraph; or

(iii) if the widow is pregnant by the husband.”

2. In paragraph (b) of subsection (2) of section seventeen (which specifies the period for which a widowed mother's allowance shall be payable) for the words “ has such a family as aforesaid ” there shall be substituted the words “ satisfies the requirements of paragraph (b) of the foregoing subsection ”.

3. In subsection (3) of section seventeen, as substituted by subsection (3) of section two of the National Insurance Act, 1951 (which provides for a reduction of widowed mother's allowance if the widow's earnings exceed a certain amount) for the proviso there shall be substituted the following—

“ Provided that a widowed mother's allowance payable by virtue of the widow's having a family shall not be reduced under this subsection for any week to less than sixteen shillings and sixpence plus any increase in respect of any child of the family other than the elder or eldest.”

4. Subsection (2) of section eighteen shall cease to have effect.

5. In subsection (1) of section twenty-three, as amended by subsection (2) of section three of the National Insurance Act, 1951 (which relates to the increase of benefit for children) for the words “ the amount set out ” in both places where they occur there shall be substituted the words “ the amounts respectively specified ”; and at the end of the subsection there shall be added the words “ and the weekly rate of a widowed mother's allowance payable under sub-paragraph (i) of paragraph (b) of subsection (1) of section seventeen of this Act shall, for any period during which the widow has two or more children of her family such as are mentioned in that sub-paragraph, be increased in respect of each of those children other than the elder or eldest by the amount specified in relation thereto in the said fourth column.”

6. In subsection (2) of section forty-three (which provides for the determination of certain questions in like manner as questions arising under the Family Allowances Act, 1945) after paragraph (b) there shall be inserted the following—

“ (c) whether any person could have been treated under paragraph 3 of the Schedule to the Family Allowances Act, 1945, as, or but for certain facts would have been, or could have been treated as aforesaid as, a child of any other person's family, or is a child of any other person's family by virtue of that other person's contributing at a particular weekly rate to the cost of providing for him.”

7. At the end of subsection (3) of section seventy-eight (which provides that two persons shall not be deemed to have ceased to reside together by reason of certain circumstances) there shall be added the words “ or by reason of any absence of either or both of them in such circumstances as may be prescribed.”

8. In Part I of the Second Schedule, as substituted by subsection (2) of section two of, and the Fourth Schedule to, the National Insurance Act, 1954—

(a) in paragraph 4, in the third and fourth columns (which specify the increase of the weekly rate of a widow's allowance in respect of the first and each additional child of her

family respectively), for the figures " 11 6" and " 3 6" there shall be substituted respectively the figures " 16 6" and " 8 6"; and

- (b) for paragraph 5 (which specifies the weekly rate of widowed mother's allowance and the increase thereof in respect of each additional child after the first) there shall be substituted the following—

	s. d.	s. d.	s. d.	s. d.
" 5. Widowed mother's allowance—				
(a) where payable by virtue of the widow's having a family ...	56 6	—	8 6	—
(b) in any other case ...	40 0	—	—	—

The National Insurance (Industrial Injuries) Act, 1946

(9 & 10 Geo. 6. c. 62)

9. In subsection (3) of section nineteen (which provides a higher weekly rate of death benefit for widows in certain specified cases and a lower rate in all other cases)—

- (a) at the end of paragraph (c) there shall be added the words " or—

(d) subject to such exceptions and conditions as may be prescribed, for any period during which the widow has residing with her a person who, though not such a child of her family as would entitle her to a payment under section twenty-one of this Act, is under the age of eighteen years and at the deceased's death was, or would, but for the fact that at the deceased's death that person had attained the upper limit of the compulsory school age or was not in Great Britain, have been, a child of the deceased's family for the purposes of the said section twenty-one, and, where at the expiration of such a period as aforesaid the widow has attained the age of forty, for any period thereafter; or

- (e) while the widow is pregnant by the deceased"; and

- (b) at the end of the proviso there shall be inserted the words " and regulations may provide that paragraph (a) of this subsection shall not apply for any week during which no child by virtue of whom that paragraph would otherwise apply is residing with the widow".

10. In subsection (1) of section twenty-one (which specifies the weekly rate of death benefit by way of an allowance in respect of a child of the deceased's family) at the end of the words inserted by subsection (5) of section three of the National Insurance Act, 1951, there shall be inserted the words " and where that person is the widow of the deceased and is for the time being also entitled to death benefit (other than a gratuity) under section nineteen of this Act, then, except in respect of any such child who is included in the widow's family only by virtue

of the widow's contributing to the cost of providing for that child and in whose case she is so contributing at a rate of less than sixteen shillings and sixpence a week, the aforesaid weekly rates shall each be increased by five shillings."

11. In subsection (2) of section twenty-one (which provides that where the deceased was a man, certain persons shall be treated for the purposes of that section as having been children of the deceased's family at his death) at the end of paragraph (b) there shall be inserted the words " and

- (c) a child who at the deceased's death was a child of some other person's family but could have been treated under paragraph 3 of the Schedule to the Family Allowances Act, 1945, as a child of the deceased's family; and
- (d) subject to such exceptions and conditions as may be prescribed, a child who, having at the death of a previous husband of the wife by a marriage which ended with that husband's death been a child of that husband's family, was at the deceased's death a child of the wife's family."

12. In paragraph (b) of subsection (1) of section thirty-six (which provides for the determination of certain questions in like manner as questions arising under the Family Allowances Act, 1945) after sub-paragraph (ii) there shall be inserted the following—

- " (iii) whether any person could have been treated under paragraph 3 of the Schedule to the Family Allowances Act, 1945, as, or but for certain facts would have been, or could have been treated as aforesaid as, a child of any other person's family, or is a child of any other person's family only by virtue of that other person's contributing at a particular weekly rate to the cost of providing for him."

13. In subsection (4) of section eighty-eight, at the end of paragraph (b) (which provides that two persons shall not be deemed to have ceased to reside together by reason of certain circumstances) there shall be added the words " or by reason of any absence of either or both of them in such circumstances as may be prescribed."

14. In paragraph 1 of the Fourth Schedule (which contains provisions limiting the benefit payable in respect of any death)—

- (a) in head (ii) of sub-paragraph (1) thereof, as amended by paragraph 2 of the Schedule to the National Insurance Act, 1951, immediately before the words " in respect of " there shall be inserted the words " or more " and for the words " that rate " there shall be substituted the words " such a rate ";
- (b) at the end of paragraph (a) of sub-paragraph (2) thereof, as amended by paragraph 3 of the Schedule to the said Act of 1951 and by the Fifth Schedule to the National Insurance Act, 1954, there shall be inserted the words " or more ".

The National Insurance Act, 1951
(14 & 15 Geo. 6. c. 34)

15. Subsection (2) of section two shall cease to have effect.

The Family Allowances and National Insurance Act, 1952
(15 & 16 Geo. 6 & 1 Eliz. 2. c. 29)

16. So much of the Fifth Schedule as amends section seventeen of the National Insurance Act, 1946, shall cease to have effect.

The National Insurance Act, 1954
(3 & 4 Eliz. 2. c. 1)

17. So much of the Fifth Schedule as amends section seventeen of the National Insurance Act, 1946, or the National Insurance Act, 1951, shall cease to have effect.



Table of Statutes referred to in this Act

Short Title	Session and Chapter
Government of Ireland Act, 1920	10 & 11 Geo. 5. c. 67.
Children and Young Persons Act, 1933	23 & 24 Geo. 5. c. 12.
Children and Young Persons (Scotland) Act, 1937	1 Edw. 8. & 1 Geo. 6. c. 37.
Family Allowances Act, 1945	8 & 9 Geo. 6. c. 41.
National Insurance (Industrial Injuries) Act, 1946	9 & 10 Geo. 6. c. 62.
National Insurance Act, 1946	9 & 10 Geo. 6. c. 67.
Children Act, 1948	11 & 12 Geo. 6. c. 43.
National Insurance Act, 1951	14 & 15 Geo. 6. c. 34.
Family Allowances and National Insurance Act, 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 29.
National Insurance Act, 1953	1 Eliz. 2. c. 29.
National Insurance Act, 1954	3 & 4 Eliz. 2. c. 1.



CHAPTER 51

Workmen's Compensation and Benefit (Supplementation) Act, 1956

ARRANGEMENT OF SECTIONS

Section

1. Persons to whom this Act applies.
2. Right to, and rate of, allowances under this Act.
3. Ancillary provisions.
4. Offences.
5. Reciprocal arrangements with Northern Ireland.
6. Application of enactments.
7. Parliamentary control over regulations.
8. Short title.

SCHEDULE—Enactments applied.

An Act to provide for the payment of allowances out of the Industrial Injuries Fund with a view to supplementing workmen's compensation and benefit, and for purposes connected therewith. [5th July, 1956]

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:—

Persons to
whom this
Act applies.

1.—(1) The persons to whom this Act applies are the following, namely,—

- (a) any person who is, or has since the commencement of this Act been, entitled in respect of an injury or a disease (other than pneumoconiosis or byssinosis) to weekly payments by way of workmen's compensation and, as a result of that injury or disease, is incapable of work and likely to remain so incapable for a considerable period;
- (b) any person who is, or has since the commencement of this Act been, entitled in respect of pneumoconiosis to weekly payments by way of workmen's compensation, being a person who is certified under a compensation scheme to be totally disabled or with respect to whom it is determined in accordance with regulations to be made by the Minister of Pensions and National Insurance (in this Act referred to as "the Minister"), that he is so disabled;
- (c) any person who is, or has since the commencement of this Act been, entitled in respect of byssinosis to weekly payments by way of workmen's compensation;

- (d) any person who is entitled, in respect of total disablement as a result of a disease to which the Pneumoconiosis and Byssinosis Benefit Act, 1951 (as extended by the Industrial Diseases (Benefit) Act, 1954) applies, to payments by way of weekly allowance under the first-mentioned Act;
 - (e) any person who, as the joint result of two or more injuries or diseases in respect of each of which he is, or has since the commencement of this Act been, entitled to any such payments as are mentioned in the foregoing paragraphs, is incapable of work and likely to remain so incapable for a considerable period.
- (2) For the purposes of this section—
- (a) the expression “workmen’s compensation” means compensation under the Workmen’s Compensation Acts, 1897 and 1900, the Workmen’s Compensation Act, 1906, the Workmen’s Compensation (Silicosis) Act, 1918, the Workmen’s Compensation Acts, 1925 to 1938, or section one of the Workmen’s Compensation and Benefit (Byssinosis) Act, 1940, or under any contracting-out scheme duly certified under any of those Acts;
 - (b) a payment under the Workmen’s Compensation (War Addition) Acts, 1917 and 1919, under the Workmen’s Compensation (Supplementary Allowances) Act, 1940, as amended by the Workmen’s Compensation (Temporary Increases) Act, 1943, or under the Workmen’s Compensation (Supplementation) Act, 1951, shall be treated as a weekly payment by way of workmen’s compensation;
 - (c) the expression “compensation scheme” means a scheme made under the Workmen’s Compensation (Silicosis) Act, 1918 (as originally enacted or as extended by the Workmen’s Compensation (Silicosis) Act, 1924) or section forty-seven of the Workmen’s Compensation Act, 1925 (as originally enacted or as extended by any subsequent enactment);
 - (d) a person shall be deemed entitled to weekly payments by way of workmen’s compensation at any time when he would be so entitled if the amount of any payment, allowance or benefit received by him otherwise than by way of workmen’s compensation were sufficiently reduced;
 - (e) a period shall be treated as considerable if it lasts or can be expected to last for not less than thirteen weeks;
 - (f) the expression “pneumoconiosis” has the meaning assigned to it by subsection (3) of section fifty-seven of the National Insurance (Industrial Injuries) Act, 1946, and, in the case of a person who suffers from pneumoconiosis accompanied by tuberculosis, the effects of

the tuberculosis may be treated as if they were effects of the pneumoconiosis.

(3) A person may be treated for the purposes of this section as being, as a result of an injury or disease or as the joint result of two or more injuries or diseases, incapable of work and likely to remain so incapable for a considerable period notwithstanding that the disability resulting from the injury or disease or, as the case may be, from the injuries or diseases taken together is not such as to prevent him being capable of work, if it is likely to prevent his earnings (as defined by subsection (1) of section eighty-eight of the National Insurance (Industrial Injuries) Act, 1946) exceeding fifty-two pounds in a year.

Right to, and
rate of,
allowances
under this
Act.

2.—(1) Subject to the provisions of any regulations made under the following provisions of this Act, a person shall in respect of any period after the appointed day during which he is one to whom this Act applies, be entitled to receive, out of the Industrial Injuries Fund, an allowance at the rate of seventeen shillings and sixpence a week.

(2) In this section the expression “the appointed day” means such day as the Minister may by order (made by statutory instrument) appoint.

Ancillary
provisions.

3.—(1) The Minister may by regulations make provision—

- (a) with respect to the making of claims for, and awards of, allowances under the last foregoing section and for the determination (either in like manner as if they had arisen under the National Insurance (Industrial Injuries) Act, 1946, or in such other manner as may be prescribed by the regulations) of questions arising on or in connection with any such claims or the payment of any such allowances;
- (b) for applying, with or without modification, to such allowances regulations under section twenty-seven of that Act (which relates to administration of benefit) or for making provision corresponding thereto with respect to such allowances;
- (c) for requiring persons claiming or receiving such allowances to furnish information and evidence and to undergo medical or other examination and for summoning persons to attend and give evidence or produce documents at any hearing for the purpose of determining any such question as is mentioned in paragraph (a) of this subsection;
- (d) for disqualifying persons from receiving such allowances for any period during which they are not ordinarily resident in, or are absent from, Great Britain or are undergoing imprisonment or detention in legal custody,

for suspending payment of such allowances to persons during any such period or pending determination of questions arising with respect to the fulfilment of conditions for the receipt of such allowances under awards or with respect to the revision of awards of such allowances, and for forfeiting allowances or suspending proceedings on claims therefor, or payment thereof, for contravention of, or failure to comply with, provisions of the regulations and in such other circumstances (if any) as may be prescribed by the regulations;

- (e) for requiring the repayment to the Industrial Injuries Fund, in whole or in part, of allowances under the last foregoing section subsequently found not to have been due, for the deduction of any sums so required to be repaid from such allowances or from payments under the National Insurance (Industrial Injuries) Act, 1946, the Workmen's Compensation (Supplementation) Act, 1951, or the Pneumoconiosis and Byssinosis Benefit Act, 1951 (as extended by the Industrial Diseases (Benefit) Act, 1954) and for the deduction from such allowances of any sums which, by virtue of the said Act of 1946 or either of the said Acts of 1951, may be recovered by deduction from a payment under the Act in question;
- (f) for such matters as appear to the Minister to be incidental to, or consequential on, provisions included in the regulations by virtue of the foregoing provisions of this subsection.

(2) The Minister may pay to persons conducting medical or other examinations which persons are required, by virtue of the foregoing subsection, to undergo, such remuneration or allowances as he may, with the consent of the Treasury, determine, and to persons so required to undergo medical or other examination or to attend any hearing such travelling and other allowances (including compensation for loss of remunerative time) as he may, with the consent of the Treasury, determine.

(3) Stamp duty shall not be chargeable upon a draft, order or receipt given in respect of an allowance under the last foregoing section or upon an instrument of appointment, or revocation of appointment, of an agent in connection with business under this Act.

4.—(1) If a person, for the purpose of obtaining an allowance or payment under this Act, whether for himself or some other person—

- (a) knowingly makes a false statement or false representation;
- or

- (b) produces or furnishes, or causes or knowingly allows to be produced or furnished, any document or information which he knows to be false in a material particular;

he shall be liable, on summary conviction, to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment.

(2) Regulations under the last foregoing section may provide for the recovery on summary conviction of monetary penalties in respect of an offence under this Act consisting in a contravention of, or failure to comply with, a provision of the regulations, so, however, that such penalties shall not exceed ten pounds for each offence or, where the offence consists in continuing any such contravention or failure after conviction thereof, ten pounds together with a further ten pounds for each day on which it is so continued.

(3) Nothing in this section shall be construed as preventing the Minister from recovering by means of civil proceedings any sums due to the Industrial Injuries Fund.

(4) Notwithstanding any provision in any Act prescribing the period within which summary proceedings may be commenced, proceedings for an offence under this Act may be commenced at any time within twelve months after the commission of the offence.

Reciprocal
arrangements
with
Northern
Ireland.

5.—(1) The Minister may, with the consent of the Treasury, make reciprocal arrangements for allowances under section two of this Act to be made in Northern Ireland out of the same fund as allowances under any corresponding legislation of Northern Ireland, and for allowances under any such legislation to be made in Great Britain out of the Industrial Injuries Fund, and for making any necessary financial adjustments between the two funds resulting from the arrangements.

(2) Subsection (1) of the last foregoing section shall apply to allowances out of the Industrial Injuries Fund by virtue of any such arrangements as if they were allowances under this Act.

(3) The Minister may by regulations make provision—

(a) for requiring that payments made by way of allowances under any corresponding legislation of Northern Ireland shall be treated for the purposes of this Act as having been made thereunder;

(b) for disqualifying persons from receiving allowances under section two of this Act in cases where they are entitled to receive allowances under any such legislation.

(4) In connection with any such legislation of Northern Ireland, any limitation on the powers of the Parliament of

Northern Ireland imposed by the Government of Ireland Act, 1920, shall not apply in so far as it would preclude that Parliament from enacting a provision corresponding to any of the foregoing provisions of this section.

6. The enactments mentioned in the Schedule to this Act (which respectively relate to the matters referred to in the second column of that Schedule) shall have effect as if references in those enactments to the National Insurance (Industrial Injuries) Act, 1946, included references to this Act and as if references therein to benefit under that Act and to a beneficiary included references respectively to an allowance under section two of this Act and to a person entitled to such an allowance; and any review of, or report on, the operation of that Act made by the Government Actuary or Deputy Government Actuary under section fifty-nine of that Act shall extend also to the operation of this Act during the period covered by the review or report.

7. The powers conferred on the Minister by this Act to make regulations shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

8. This Act may be cited as the Workmen's Compensation and Benefit (Supplementation) Act, 1956.

Section 6.

SCHEDULE

ENACTMENTS APPLIED

<i>Enactment</i>	<i>Subject Matter</i>
The National Insurance (Industrial Injuries) Act, 1946:	
Subsection (1) of section twenty-eight.	Benefit to be inalienable.
Section sixty	Expenses of Minister and other Government departments.
Section seventy	Civil proceedings to recover sums due to Industrial Injuries Fund.
Subsection (1) of section eighty-six.	Provisions as to powers to make Orders in Council and regulations.
The National Insurance Act, 1946:	
Section forty-eight	Recovery of sums by deduction from benefit.
The National Assistance Act, 1948:	
Section thirteen	Prevention of duplication of payments.

— — — — —

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Workmen's Compensation Act, 1906	6 Edw. 7. c. 58.
Workmen's Compensation (Silicosis) Act, 1918...	8 & 9 Geo. 5. c. 14.
Government of Ireland Act, 1920	10 & 11 Geo. 5. c. 67.
Workmen's Compensation (Silicosis) Act, 1924...	14 & 15 Geo. 5. c. 40.
Workmen's Compensation Act, 1925	15 & 16 Geo. 5. c. 84.
Workmen's Compensation (Supplementary Allowances) Act, 1940	3 & 4 Geo. 6. c. 47.
Workmen's Compensation and Benefit (Byssinosis) Act, 1940	3 & 4 Geo. 6. c. 56.
Workmen's Compensation (Temporary Increases) Act, 1943	6 & 7 Geo. 6. c. 49.
National Insurance (Industrial Injuries) Act, 1946	9 & 10 Geo. 6. c. 62.
National Assistance Act, 1948	11 & 12 Geo. 6. c. 29.
Workmen's Compensation (Supplementation) Act, 1951	14 & 15 Geo. 6. c. 22.
Pneumoconiosis and Byssinosis Benefit Act, 1951	15 & 16 Geo. 6. & 1 Eliz. 2. c. 4.
Industrial Diseases (Benefit) Act, 1954	2 & 3 Eliz. 2. c. 16.

CHAPTER 52*Clean Air Act, 1956*

ARRANGEMENT OF SECTIONS

Dark Smoke

Section

1. Prohibition of dark smoke from chimneys.
2. Temporary exemptions from section one.

Smoke from furnaces

3. Requirement that new furnaces shall be so far as practicable smokeless.
4. Density meters, &c.

Grit and Dust from furnaces

5. Requirement that grit and dust from furnaces shall be minimised.
6. Requirement that new furnaces shall be fitted with plant to arrest grit and dust.
7. Measurement of grit and dust emitted from furnaces.
8. Information about furnaces and fuel consumed.
9. Grit and dust from outdoor furnaces, &c.
10. Height of chimneys.

Smoke Control Areas

11. Smoke control areas.
12. Adaptation of fireplaces in private dwellings.
13. Exchequer contributions.
14. Interpretation of two last preceding sections.
15. Power of local authority to make grants towards adaptations to fireplaces in churches, chapels, buildings used by charities, &c.

Smoke nuisances

16. Abatement of smoke nuisances.

Special cases

17. Relation to, and amendment of, Alkali Act.
18. Colliery spoilbanks.
19. Railway engines.
20. Vessels.
21. Exemption for purposes of investigations and research.
22. Crown premises, &c.

Clean Air Council

23. Clean Air Council.

Miscellaneous provisions

24. Building byelaws.
25. Powers of local authorities as to research and publicity.
26. Unjustified disclosures of information.
27. Penalties.
28. Power of county court to authorise works and order payments.
29. Enforcement.
30. Duty to notify occupiers of offences.
31. Application of Public Health Act, 1936, &c.
32. Application of Act to London.
33. Regulations, orders and administrative expenses.
34. Interpretation.

Section

- 35. Repeals and transitional provisions.
- 36. Provisions as to Northern Ireland.
- 37. Short title and commencement.

SCHEDULES :

First Schedule—Confirmation and coming into operation of orders of local authorities under section eleven.

Second Schedule—Amendments of Alkali, &c. Works Regulation Act, 1906.

Third Schedule—Modifications of, and provisions supplementary to, Public Health Acts, &c.

Part I—Public Health Act, 1936.

Part II—Public Health (London) Act, 1936.

Part III—Scottish Enactments.

Fourth Schedule—Enactments repealed.

An Act to make provision for abating the pollution of the air.
[5th July, 1956]

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:—

Dark Smoke

Prohibition of dark smoke from chimneys.

1.—(1) Subject to the provisions of this Act, dark smoke shall not be emitted from a chimney of any building, and if, on any day, dark smoke is so emitted, the occupier of the building shall be guilty of an offence.

(2) Emissions of smoke from any chimney lasting for not longer than such periods as may be specified by the Minister by regulations shall, in such classes of case and subject to such limitations as may be so specified, be left out of account for the purposes of this section.

(3) In any proceedings for an offence under this section, it shall be a defence to prove either—

- (a) that the contravention complained of was solely due to the lighting up of a furnace which was cold and that all practicable steps had been taken to prevent or minimise the emission of dark smoke ; or
- (b) that the contravention complained of was solely due to some failure of a furnace or of apparatus used in connection with a furnace, that that failure could not reasonably have been foreseen, or, if foreseen, could not reasonably have been provided against, and that the contravention could not reasonably have been prevented by action taken after the failure occurred ; or
- (c) that the contravention complained of was solely due to the use of unsuitable fuel, that suitable fuel was

unobtainable, that the least unsuitable fuel which was available was used and that all practicable steps had been taken to prevent or minimise the emission of dark smoke as the result of the use thereof ; or

- (d) that the contravention complained of was due to the combination of two or more of the causes specified in paragraphs (a) to (c) of this subsection and that the other conditions specified in those paragraphs are satisfied in relation to those causes respectively.

(4) This section shall apply in relation to a chimney serving the furnace of any boiler or industrial plant (being a boiler or plant attached to a building or for the time being fixed to or installed on any land) as it applies in relation to a chimney of a building :

Provided that in relation to any such chimney as aforesaid which is not a chimney of a building, the reference in this section to the occupier of the building shall be construed as a reference to the person having possession of the boiler or plant.

2.—(1) In any proceedings for an offence under section one of this Act for any contravention of that section occurring not more than seven years from the passing of this Act, being a contravention occurring in relation to the chimney of a building, it shall be a defence to prove—

Temporary exemptions from section one.

(a) that the contravention was due to the nature of the building or its equipment and was not due to any failure properly to maintain the building or properly to maintain and use the equipment of the building ; and

(b) that it had not been practicable to alter or equip the building so as to enable it to be used or fully used for the purpose for which it was intended without the likelihood of contraventions of the said section one.

(2) If, at any time before the expiration of the said seven years, the local authority are satisfied, on the application of any person interested in any building, that it has not been practicable to alter or equip the building so as to enable it to be used or fully used as aforesaid, the local authority may, if they think fit, issue from time to time a certificate to that effect, and while such a certificate is in force, it shall be conclusive evidence of the facts therein stated for the purposes of paragraph (b) of subsection (1) of this section.

(3) A certificate under subsection (2) of this section shall be in force for one year from the date of the issue thereof or for such shorter period as may be specified therein, so, however that a certificate issued after the expiration of six, but before the expiration of seven, years from the passing of this Act shall not remain in force after the expiration of the said seven years.

(4) A certificate under subsection (2) of this section may, if the local authority think fit, be limited to particular chimneys of the building and in that event the operation of the said subsection (2) shall be limited to contraventions in respect of those chimneys.

(5) This section shall apply in relation to a chimney serving the furnace of any boiler or industrial plant as it applies in relation to a chimney of a building :

Provided that, in relation to any such chimney as aforesaid which is not a chimney of a building, for the references in this section to the building and to maintaining it there shall be substituted references respectively to the furnace and any apparatus used in connection therewith and to maintaining or using the furnace and any such apparatus and the references in this section to the equipment of the building or equipping the building shall be omitted.

Smoke from furnaces

Requirement that new furnaces shall be so far as practicable smokeless.

3.—(1) Subject to the provisions of this section, no furnace shall be installed in a building or in any boiler or industrial plant attached to a building or for the time being fixed to or installed on any land unless it is so far as practicable capable of being operated continuously without emitting smoke when burning fuel of a type for which the furnace was designed, and any person who installs a furnace in contravention of this subsection or on whose instructions a furnace is so installed shall be guilty of an offence :

Provided that this subsection shall not apply to a furnace the installation of which has been begun, or an agreement for the purchase or installation of which has been entered into, before the appointed day.

(2) Any furnace installed in accordance with plans and specifications submitted to, and approved for the purposes of this section by, the local authority shall be deemed to comply with the provisions of subsection (1) of this section.

(3) A furnace to which subsection (1) of this section applies shall not be installed in a building or in any such boiler or plant as is mentioned in the said subsection (1) unless notice of the proposal to install it has been given to the local authority, and any person who installs a furnace in contravention of this subsection or on whose instructions a furnace is so installed shall be guilty of an offence.

(4) This section shall not apply to furnaces designed solely or mainly for use for domestic purposes, not being furnaces of boilers with a maximum heating capacity of fifty-five thousand or more British thermal units per hour.

(5) This section shall apply in relation to the attachment to a building of a boiler or industrial plant which already contains a furnace or the fixing to or installation on any land of any such boiler or plant as it applies in relation to the installation of a furnace in any boiler or industrial plant attached to a building or for the time being fixed to or installed on any land.

4.—(1) Regulations made by the Minister may in such cases **Density** as may be prescribed by the regulations impose requirements as **meters, &c.** to—

- (a) providing and installing apparatus for the purpose of indicating or recording (or indicating and recording) the density or darkness of smoke emitted from any furnace in any building or any furnace of any boiler or industrial plant not being a furnace in a building, or of facilitating the observation of smoke so emitted with a view to ascertaining its density or darkness ;
- (b) making adaptations for any such purpose to any chimney serving such a furnace ;
- (c) using and maintaining apparatus provided in pursuance of the regulations ; and
- (d) making available to the local authority any results recorded by such apparatus.

(2) If regulations under this section are contravened in relation to a furnace, the occupier of the building or, as the case may be, the person in possession of the boiler or plant shall be guilty of an offence.

Grit and Dust from furnaces

5.—(1) The occupier of any building in which a furnace is used to burn solid fuel or solid waste, or of any building or land in or on which an oven is used to subject solid fuel to any process involving the application of heat, shall use any practicable means there may be for minimising the emission of grit and dust from any chimney which serves the furnace or oven and if he fails so to do, he shall be guilty of an offence. **Requirement that grit and dust from furnaces shall be minimised.**

(2) This section shall not apply to furnaces designed solely or mainly for domestic purposes, not being furnaces of boilers with a maximum heating capacity of fifty-five thousand or more British thermal units per hour.

6.—(1) Subject to the provisions of this section, no furnace in any building shall be used— **Requirement that new furnaces shall be fitted with plant to arrest grit and dust.**

- (a) to burn pulverised fuel ; or
- (b) to burn, at a rate of one ton an hour or more, solid fuel in any other form or solid waste ;

and no oven in any building or on any land shall be used to subject solid fuel to any process involving the application of

heat, unless the furnace or oven is provided with plant for arresting grit and dust which has been approved by the local authority or which has been installed in accordance with plans and specifications submitted to and approved by the local authority, and that plant is properly maintained and used, and if a furnace or oven is used in contravention of this subsection the occupier of the building or land shall be guilty of an offence.

(2) Subsection (1) of this section shall not apply to a furnace or oven which has been installed, the installation of which has been begun, or an agreement for the purchase or installation of which has been entered into, before the appointed day.

(3) The Minister may give directions to any local authority, or to local authorities generally, requiring that any application for approval under this section, or all such applications of any class specified in the directions, shall be referred to the Minister and shall be dealt with by him instead of by the local authority, and any such application shall be so referred accordingly.

(4) Any person who has applied to the local authority for an approval under this section or is interested in a building or land with respect to which such an application is made may, if he is dissatisfied with the decision of the authority on the application, appeal to the Minister and the Minister may give any approval which the local authority might have given.

(5) Any approval given by the Minister under subsection (3) or subsection (4) of this section shall have the like effect as an approval of the local authority.

Measurement
of grit and
dust emitted
from
furnaces.

7.—(1) If a furnace in a building is used—

- (a) to burn pulverised fuel ; or
- (b) to burn, at a rate of one ton an hour or more, solid fuel in any other form or solid waste ;

or if an oven in any building or on any land is used to subject solid fuel to any process involving the application of heat, the local authority may, by notice in writing served on the occupier of the building or land, direct that the provisions of subsection (2) of this section shall apply to the furnace or oven and those provisions shall apply accordingly :

Provided that the local authority may, by a subsequent notice in writing served on the occupier of the building or land, revoke any direction given under this subsection, without prejudice, however, to their power to give another direction thereunder.

(2) In the case of a furnace or oven to which this subsection is applied, the occupier of the building or land shall comply with such requirements as may be prescribed by regulations made by the Minister as to—

- (a) making and recording measurements from time to time of the grit and dust emitted from the furnace or oven ;

- (b) making adaptations for that purpose to the chimney serving the furnace or oven ;
- (c) providing and maintaining apparatus for making and recording the measurements ; and
- (d) informing the local authority of the results obtained from the measurements or otherwise making those results available to them,

and if he fails so to do, he shall be guilty of an offence.

(3) Regulations under subsection (2) of this section may make different provision in relation to different classes of furnace or oven.

8.—(1) For the purpose of enabling the local authority properly to perform their functions under and in connection with the two last preceding sections, the local authority may, by notice in writing served on the occupier of any building or land, require the occupier of the building or land to furnish to them, within fourteen days or such longer time as may be limited by the notice, such information as to the furnaces or ovens in the building or on the land and the fuel or waste burned in those furnaces or subjected to any process in those ovens as they may reasonably require for that purpose.

Information about furnaces and fuel consumed.

(2) Any person who, having been duly served with a notice under subsection (1) of this section, fails to comply with the requirements thereof within the time limited or furnishes any information in reply thereto which he knows to be false in a material particular shall be guilty of an offence.

9. The four last preceding sections shall apply in relation to the furnace of any boiler or industrial plant (being a boiler or plant attached to a building or for the time being fixed to or installed on any land) as they apply in relation to a furnace in a building:

Grit and dust from outdoor furnaces, &c.

Provided that—

- (a) in relation to a furnace which is not in a building, the references in those sections to the occupier of the building shall be construed as references to the person having possession of the boiler or plant ; and
- (b) in relation to a furnace which is already contained in any such boiler or industrial plant, the references in subsection (2) of section six of this Act to the installation and to the purchase of a furnace shall be construed as references to attaching the boiler or plant to the building or fixing it to or installing it on any land and to purchasing it respectively.

10.—(1) Where plans for the erection or extension of a building outside the administrative county of London, other than a building used or to be used wholly for one or more of the following purposes, that is to say as a residence or residences, a shop or

Height of chimneys.

N

shops or an office or offices, are in accordance with building byelaws deposited with the local authority and the plans show that it is proposed to construct a chimney for carrying smoke, grit, dust or gases from the building, the local authority shall reject the plans unless they are satisfied that the height of the chimney as shown on the plans will be sufficient to prevent, so far as practicable, the smoke, grit, dust or gases from becoming prejudicial to health or a nuisance having regard to—

- (a) the purpose of the chimney ;
- (b) the position and description of buildings near thereto ;
- (c) the levels of the neighbouring ground ; and
- (d) any other matters requiring consideration in the circumstances.

(2) If a local authority reject plans under the authority of this section, the notice given under subsection (2) of section sixty-four of the Public Health Act, 1936, shall specify that the plans have been so rejected.

(3) Where plans are rejected under the authority of this section, any person interested in the building may appeal to the Minister and the Minister may confirm or cancel the rejection and, where he cancels the rejection, may, if he thinks it necessary, direct that the time for rejecting the plans otherwise than under the authority of this section shall be extended so as to run from the date on which his decision is notified to the local authority.

(4) This section shall not apply to the erection or extension of a generating station as defined in the Electricity (Supply) Act, 1919, other than a private generating station as so defined.

(5) In the application of this section to Scotland, any reference to the local authority shall, in the case of a local authority being the town council of a burgh, be construed as a reference to the dean of guild court or the body exercising the functions of a dean of guild court, any reference to the deposit of plans in accordance with building byelaws shall include a reference to the deposit of plans in accordance with any requirement of the common law and subsections (2) and (3) shall be omitted.

Smoke control areas

Smoke control areas.

11.—(1) Any local authority may, by order confirmed by the Minister, declare the whole of the district of the local authority or any part thereof to be a smoke control area.

(2) Subject to any exemptions and limitations for the time being in force under this section, if, on any day, smoke is emitted from a chimney of any building within a smoke control area, the occupier of that building shall be guilty of an offence:

Provided that in proceedings for an offence under this subsection, it shall be a defence to prove that the emission of smoke was not caused by the use of any fuel other than an authorised fuel.

(3) An order made by the local authority under this section—

- (a) may make different provision for different parts of the smoke control area ;
- (b) may limit the operation of this section to specified classes of building in the area ;
- (c) may exempt specified buildings or classes of building or specified fireplaces or classes of fireplace in the area from the operation of this section, upon such conditions as may be specified in the order.

(4) The Minister may from time to time by order exempt any class of fireplace, upon such conditions as he may specify in the order, from the provisions of this section, if he is satisfied that such fireplaces can be used for burning fuel other than authorised fuels without producing any smoke or a substantial quantity of smoke.

(5) An order made and confirmed under this section may be revoked or varied by a subsequent order so made and confirmed.

(6) The provisions of the First Schedule to this Act shall apply to the confirmation and coming into operation of orders made by local authorities under this section.

(7) If at any time it appears to the Minister necessary or expedient so to do, he may by order suspend or relax the operation of this section in relation to the whole or any part of a smoke control area :

Provided that before making an order under this subsection the Minister shall consult with the local authority unless he is satisfied that, on account of urgency, such consultation is impracticable.

(8) Any order of the Minister under this section may be revoked or varied by a subsequent order of the Minister and the proviso to subsection (7) of this section shall apply to the revocation or variation of an order made thereunder.

(9) As soon as practicable after the making of an order under subsection (7) of this section or an order revoking or varying such an order, the local authority shall take such steps as appear to them suitable for bringing the effect of the order to the notice of persons affected.

(10) This section shall apply in relation to a chimney serving the furnace of any boiler or industrial plant (being a boiler or plant attached to a building or for the time being fixed to or installed on any land) as it applies in relation to a chimney of a building :

Provided that in relation to any such chimney as aforesaid which is not a chimney of a building, for the references in this section to buildings or to the occupier of the building there shall be substituted references respectively to boilers or plant or to the person having possession of the boiler or plant.

Adaptation
of fireplaces
in private
dwellings.

12.—(1) If, after the confirmation of an order made by a local authority under the last preceding section, the owner or occupier of, or any person interested in, any private dwelling which is or will be within a smoke control area as a result of the order, not being a new dwelling, incurs expenditure on adaptations in or in connection with the dwelling to avoid contraventions of the last preceding section, the local authority shall repay to him seven-tenths of that expenditure and may, if they think fit, also repay to him the whole or any part of the remainder of that expenditure:

Provided that this subsection shall not apply to any expenditure unless—

- (a) it either is incurred before the coming into operation of the order and with the approval of the local authority given for the purposes of this subsection or is reasonably incurred in carrying out adaptations required by a notice given under subsection (2) of this section † and
- (b) the adaptations in question are carried out to the satisfaction of the local authority,

and where the expenditure is incurred by the occupier of a private dwelling who is not an owner thereof, and the adaptations consist of or include the provision of any cooking or heating appliance which can be readily removed from the dwelling without injury to itself or the fabric of the dwelling, the following provisions shall have effect as respects so much of the expenditure as represents the cost of the appliance, that is to say—

- (i) not more than seven-twentieths of that part of that expenditure shall be repaid until two years from the coming into operation of the order; and
- (ii) any further repayment of that part of that expenditure shall be made only if the appliance has not by then been removed from the dwelling and, if made, shall be made to the person who is the occupier of the dwelling at the end of the two years.

(2) The local authority may, by notice in writing served on the occupier or owner of a private dwelling which is, or when an order made and confirmed as aforesaid comes into operation will be, within a smoke control area, require the carrying out of adaptations in or in connection with the dwelling to avoid contraventions of the last preceding section, and the provisions of Part XII of the Public Health Act, 1936, with respect to appeals against, and the enforcement of, notices requiring the execution of works shall apply in relation to any notice under this subsection, subject, however, to the modification that any reference in the said provisions to the expenses reasonably incurred in executing the works shall be construed as a reference to three-tenths of those expenses or such smaller fraction thereof as the local authority may in any particular case determine.

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

- (a)** subsection (2) of this section shall have effect as if the words from “and the provisions of Part XII” to the end of the subsection were omitted ; and
- (b)** section sixteen of the Housing (Scotland) Act, 1950 (which provides for an appeal to the sheriff against certain notices requiring the execution of works under that Act) shall apply in relation to a notice under the said subsection (2) as it applies in relation to any such notice as is mentioned in paragraph (a) of subsection (1) of that section ; and
- (c)** subject to any such right of appeal as aforesaid, if any person on whom a notice under the said subsection (2) is served fails to execute the works required by the notice within the time thereby limited, the local authority may themselves execute the works and may recover from that person three-tenths, or such smaller fraction as the local authority may in any particular case determine, of the expenses reasonably incurred by them in so doing.

13.—(1) The Minister may, out of moneys provided by Parliament, make a contribution towards the following expenses of any local authority, that is to say— Exchequer contributions.

- (a)** any expenses of the local authority in making the payments under subsection (1) of the last preceding section which they are bound thereby to make ;
- (b)** any expenses incurred by them in making, in or in connection with private dwellings owned by them or under their control, not being new dwellings, adaptations to avoid contraventions of section eleven of this Act ; and
- (c)** any expenses incurred by them in carrying out adaptations required by notices under subsection (2) of the last preceding section in or in connection with dwellings which are not new dwellings :

Provided that no expenses shall be taken into account under this subsection unless they are approved by the Minister.

(2) A contribution under subsection (1) of this section in respect of any expenses shall be a single payment equal, in the case of expenses mentioned in paragraph (a) of that subsection, to four-sevenths, and, in the case of other expenses, to two-fifths, of the amount of the expenses.

14.—(1) In the two last preceding sections, references to adaptations in or in connection with a dwelling to avoid contraventions of section eleven of this Act shall be construed as Interpretation of two last preceding sections.

references to the execution of any of the following works (whether in or outside the dwelling), that is to say—

- (a) adapting or converting any fireplace ; or
- (b) replacing any fireplace by another fireplace or by some other means of heating or cooking ; or
- (c) altering any flue or chimney which serves any fireplace ;
or
- (d) carrying out any operation incidental to any of the operations aforesaid,

being works which are reasonably necessary in order to make what is in all the circumstances suitable provision for heating and cooking without contraventions of the said section eleven:

Provided that, except for the purposes of subsection (2) of section twelve of this Act, works which make such suitable provision as aforesaid shall not be deemed to be other than adaptations to avoid contraventions of the said section eleven by reason that they go beyond what is reasonably necessary for that purpose, but any expenditure incurred in executing them in excess of the expenditure which would have been reasonably incurred in doing what was reasonably necessary shall be left out of account.

(2) In the two last preceding sections, references to expenses incurred in the execution of works include references to the cost of any fixed cooking or heating appliance installed by means of the execution of the works, notwithstanding that the appliance can be readily removed from the dwelling without injury to itself or the fabric of the dwelling ; and for the purposes of the two last preceding sections, a person who enters into a hire-purchase agreement for the letting to him of a cooking or heating appliance shall be treated as having incurred on the date of the agreement expenditure of an amount equal to the price which would have been payable therefor if he had purchased it for cash on that date.

Power of local authority to make grants towards adaptations to fireplaces in churches, chapels, buildings used by charities, &c.

15.—(1) If, after the confirmation of an order made by a local authority under section eleven of this Act, the owner or occupier of any premises or part of any premises to which this section applies and which will be within a smoke control area as the result of the order incurs expenditure on adaptations in or in connection with the premises or part to avoid contraventions of the said section eleven, the local authority may, if they think fit, repay to him the whole or any part of that expenditure.

(2) This section applies to any premises or part of any premises which fall within one or more of the following paragraphs, that is to say—

- (a) any place of public religious worship, being, in the case of a place in England or Wales, a place which belongs to the Church of England or to the Church in Wales

(within the meaning of the Welsh Church Act, 1914) or which is for the time being certified as required by law as a place of religious worship ;

- (b) any church hall, chapel hall or similar premises 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 ;
- (c) any premises or part of any premises 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.

(3) Section fourteen of this Act shall apply for the interpretation of this section as it applies for the interpretation of sections twelve and thirteen of this Act, but as if references therein to a dwelling were references to any premises or part of any premises to which this section applies.

Smoke nuisances

16.—(1) Smoke other than—

- (a) smoke emitted from a chimney of a private dwelling ; or
- (b) dark smoke emitted from a chimney of a building or from a chimney serving the furnace of a boiler or industrial plant attached to a building or for the time being fixed to or installed on any land,

Abatement
of smoke
nuisances.

shall, if it is a nuisance to the inhabitants of the neighbourhood, be deemed for the purposes of Part III of the Public Health Act, 1936, to be a statutory nuisance, and section one hundred and nine of that Act (which contains a saving from the operation of the said Part III for mines and industrial processes) shall not apply in relation to it :

Provided that, in any proceedings brought by virtue of this section—

- (i) the maximum fines which may be imposed shall, in the case of a conviction for a failure to comply with, or for a contravention of, a nuisance order, be ten pounds and a further five pounds for each day on which the offence continues after conviction therefor ;
- (ii) in the case of smoke emitted from a chimney, it shall be a defence for the defendant to prove that the best practicable means had been employed to prevent the nuisance.

(2) If the local authority are satisfied that such a nuisance as is mentioned in subsection (1) of this section has occurred and,

although it has ceased, is likely to recur, they may, without serving an abatement notice, cause a complaint to be made to a justice of the peace, and a magistrates' court shall have power on that complaint to make an order on any person by reason of whose act, default or sufferance the nuisance arose prohibiting a recurrence of the nuisance and requiring him, within a time specified in the order, to execute any works necessary to prevent a recurrence; and the provisions of Part III of the Public Health Act, 1936, shall, with the necessary adaptations and modifications, apply in relation to proceedings under this subsection and orders made thereunder as they apply in relation to proceedings under the said Part III and nuisance orders made thereunder.

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

- (a) in subsection (1), the words from “and section one hundred and nine of that Act” to “shall not apply in relation to it” and subsection (2) shall be omitted.
- (b) for references to Part III of the Public Health Act, 1936, and to a statutory nuisance there shall be substituted respectively references to the Public Health (Scotland) Act, 1897, and to a nuisance liable to be dealt with summarily in manner provided by that Act;
- (c) for any reference to a nuisance order there shall be substituted a reference to a decree for the removal or remedy or discontinuance or interdict of a nuisance granted under section twenty-two or twenty-three of the said Act of 1897; and
- (d) for any reference to a defendant there shall be substituted a reference to a person against whom proceedings are taken for contravention of any such decree or interdict as aforesaid.

Special cases

Relation to,
and amend-
ment of,
Alkali Act.

17.—(1) Subject to the provisions of subsection (2) of this section, the preceding provisions of this Act shall not apply to premises controlled under the Alkali, &c. Works Regulation Act, 1906 (hereinafter referred to as “the Alkali Act”), but the Alkali Act shall have effect in relation to smoke, grit and dust from any such premises as it has effect in relation to noxious or offensive gases, and references therein to noxious or offensive gases shall be construed accordingly:

Provided that the preceding provisions of this subsection shall not affect the operation of sections one, five and sixteen of this Act in relation to premises controlled under the Alkali Act, but, in England and Wales, no proceedings shall be brought by virtue of the said section one, the said section five or the said section sixteen in the case of any such premises except with the consent of the Minister.

(2) The Minister may, if, on the application of the local authority, he is satisfied that in all the circumstances it is expedient so to do, by order apply the provisions of this subsection to the whole or any specified part of any premises controlled under the Alkali Act, and, in that event, in relation to any period for which the order is in force—

- (a) subsection (1) of this section shall not apply to the premises or, as the case may be, to the specified part thereof; but
- (b) it shall be a defence to any proceedings under section one of this Act in respect of dark smoke from the premises or, as the case may be, from the specified part thereof, to prove that the best practicable means had been employed to prevent or minimise the emission of dark smoke therefrom; and
- (c) in any proceedings brought by virtue of section sixteen of this Act in respect of smoke from the premises or, as the case may be, from the specified part thereof, the defence provided for by proviso (ii) to subsection (1) of that section shall be available whether the smoke was emitted from a chimney or not.

Any order under this subsection may be revoked or varied by a subsequent order of the Minister.

(3) The power conferred on the Minister by subsection (1) of section four of the Public Health (Smoke Abatement) Act, 1926, to make orders extending the list of noxious or offensive gases contained in section twenty-seven of, and the list of works mentioned in the First Schedule to, the Alkali Act shall include a power, exercisable in the like manner, to vary or revoke any such order; and where by virtue of an order under the said subsection (1), or under section one of the Alkali, &c., Works Regulation (Scotland) Act, 1951, works of any description which would not otherwise be included in the First Schedule to the Alkali Act become included therein, the references in the proviso to subsection (5) of section nine of the Alkali Act to the commencement of that Act shall, in relation to works of that description, be construed as references to the coming into operation of the order.

(4) The amendments specified in the Second Schedule to this Act, being amendments designed to assimilate the penalties for certain offences under the Alkali Act to the penalties for comparable offences under this Act, shall be made in the provisions of the Alkali Act.

(5) In this section the references to premises controlled under the Alkali Act are references to so much of any work registered under section nine of that Act as is directly concerned in the processes which necessitate its registration thereunder.

N*

The Minister may from time to time determine how much of any such work is directly concerned as aforesaid and his determination shall, until revoked or varied by him, be conclusive.

(6) Nothing in subsection (1) of this section shall extend the operation of subsection (3) of section four of the Public Health (Smoke Abatement) Act, 1926, or section two of the Alkali, &c., Works Regulation (Scotland) Act, 1951 (which authorise inspectors to enter and inspect, in certain cases, works not registered under section nine of the Alkali Act).

Colliery
spoilbanks.

18.—(1) Subject to the provisions of subsection (3) of this section, the owner of a mine or quarry from which coal or shale has been, is being or is to be got shall employ all practicable means for preventing combustion of refuse deposited from the mine or quarry and for preventing or minimising the emission of smoke and fumes from the refuse and if he fails so to do, he shall be guilty of an offence.

(2) Subject to the provisions of subsection (3) of this section, neither section ninety-two of the Public Health Act, 1936, nor any provision of this Act other than subsection (1) of this section shall apply in relation to smoke, grit or dust from the combustion of refuse deposited from any such mine or quarry as is mentioned in the said subsection (1).

(3) Subsections (1) and (2) of this section shall not apply to any deposit of refuse deposited from a mine or quarry before the passing of this Act if, at the time of the passing of this Act, the deposit is no longer in use as such and is not under the control of the owner of the mine or quarry.

(4) In this section, “mine”, “quarry” and “owner” have the same meanings as in the Mines and Quarries Act, 1954.

(5) In the application of this section to Scotland, subsection (2) shall have effect as if for the reference to section ninety-two of the Public Health Act, 1936, there were substituted a reference to section sixteen of the Public Health (Scotland) Act, 1897.

Railway
engines.

19.—(1) Section one of this Act shall apply in relation to railway locomotive engines as it applies in relation to buildings, but as if for the references to the occupier of the building there were substituted references to the owner of the engine.

(2) The owner of any railway locomotive engine shall use any practicable means there may be for minimising the emission of smoke from the chimney on the engine and if he fails so to do, he shall, if smoke is emitted therefrom, be guilty of an offence.

(3) Save as provided in this section, nothing in this Act applies to smoke, grit or dust from any railway locomotive engine.

20.—(1) Sections one and two of this Act shall apply in relation to vessels in waters to which this section applies as they apply in relation to buildings, but as if for the references to the occupier of the building there were substituted references to the owner of, and to the master or other officer or person in charge of, the vessel and as if references to a furnace included references to an engine of the vessel.

(2) For the purposes of this Act a vessel in any waters to which this section applies which are not within the district of any local authority shall be deemed to be within the district of the local authority whose district includes that point on land which is nearest to the spot where the vessel is.

(3) The waters to which this section applies are—

- (a) all waters not navigable by sea-going ships ; and
- (b) all waters navigable by sea-going ships which are within the seaward limits of the territorial waters of the United Kingdom and are contained within any port, harbour, river, estuary, haven, dock, canal or other place so long as a person or body of persons is empowered by or under any Act to make charges in respect of vessels entering it or using facilities therein.

In this subsection “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.

(4) Save as provided in this section, nothing in this Act applies to smoke, grit or dust from any vessel.

21.—(1) If the local authority are satisfied, on the application of any person interested, that it is expedient so to do for the purpose of enabling investigations or research relevant to the problem of the pollution of the air to be carried out without rendering the applicant liable to proceedings brought under or by virtue of any of the provisions of this Act, the local authority may by notice in writing given to the applicant exempt, wholly or to a limited extent,—

Exemption for purposes of investigations and research.

- (a) any chimney from the operation of sections one, five, eleven, sixteen and nineteen of this Act ;
- (b) any furnace, boiler or industrial plant from the operation of subsection (1) of section three of this Act ;
- (c) any furnace or oven from the operation of sections six and seven of this Act,

in each case subject to such conditions, if any, and for such period as may be specified in the notice.

(2) Any person who has applied to the local authority for an exemption under this section may, if he is dissatisfied with the

decision of the authority on the application, appeal to the Minister and the Minister may, if he thinks fit, by notice in writing given to the applicant and the local authority, give any exemption which the authority might have given or vary the terms of any exemption which they have given.

Crown
premises, &c.

22.—(1). It shall be part of the functions of the local authority, in cases where it seems to them proper so to do, to report to the responsible Minister any cases of—

- (a) emissions of dark smoke, or of grit or dust, from any premises which are under the control of any Government department and are occupied for the public service of the Crown or for any of the purposes of any Government department ; or
- (b) emissions of smoke, whether dark smoke or not, from any such premises which are within a smoke control area ; or
- (c) emissions of smoke, whether dark smoke or not, from any such premises which appear to them to constitute a nuisance to the inhabitants of the neighbourhood ; or
- (d) emissions of dark smoke from any vessel of Her Majesty's navy, or any Government ship in the service of the Admiralty while employed for the purposes of Her Majesty's navy, which appear to them to constitute such a nuisance as aforesaid,

and on receiving any such report the said Minister shall inquire into the circumstances and, if his inquiry reveals that there is cause for complaint, shall employ all practicable means for preventing or minimising the emission of the smoke, grit or dust or for abating the nuisance and preventing a recurrence thereof, as the case may be.

This subsection shall apply to premises occupied for the purposes of the Duchy of Lancaster or the Duchy of Cornwall as it applies to premises occupied for the public service of the Crown which are under the control of a Government department, with the substitution, in the case of the Duchy of Cornwall, for references to the responsible Minister of references to such person as the Duke of Cornwall or the possessor for the time being of the Duchy of Cornwall appoints.

(2) The fact that there subsists in any premises an interest belonging to Her Majesty in right of the Crown or of the Duchy of Lancaster, or to the Duchy of Cornwall, or belonging to a Government department or held in trust for Her Majesty for the purposes of a Government department, shall not affect the application of this Act to those premises so long as that interest is not the interest of the occupier of the premises, and this Act shall have effect accordingly in relation to the premises and that and all other interests therein.

(3) Section twenty of this Act shall, with the omission of the reference in subsection (1) thereof to the owner, apply to vessels owned by the Crown, except that it shall not apply to vessels of Her Majesty's navy or to Government ships in the service of the Admiralty while employed for the purposes of Her Majesty's navy.

(4) This Act shall have effect in relation to premises occupied for the service of a visiting force as if the premises were premises occupied for the public service of the Crown and were under the control of the Government department by arrangement with whom the premises are occupied.

In this subsection "visiting force" means any such body, contingent or detachment of the forces of any country as is a visiting force for the purposes of any of the provisions of the Visiting Forces Act, 1952.

(5) In this section "Government ship" has the same meaning as in section eighty of the Merchant Shipping Act, 1906.

Clean Air Council

23.—(1) For the purposes of—

- (a) keeping under review the progress made (whether under this Act or otherwise) in abating the pollution of the air in England and Wales; and
- (b) obtaining the advice of persons having special knowledge, experience or responsibility in regard to prevention of pollution of the air,

the Minister of Housing and Local Government shall appoint a consultative council, to be called the Clean Air Council, of which he shall be the chairman.

(2) The Minister of Housing and Local Government may by order make provision with respect to the constitution and procedure of the said council, and any such order may be varied by a subsequent order.

(3) For the like purposes in relation to Scotland as those mentioned in subsection (1) of this section the Secretary of State shall appoint a consultative council, to be called the Clean Air Council for Scotland, and subsection (2) of this section shall apply in relation to the said council, but as if the reference therein to the Minister of Housing and Local Government were a reference to the Secretary of State.

Clean Air
Council.

Miscellaneous provisions

24. Building byelaws may require the provision in new build- Building
ings of such arrangements for heating or cooking as are calcu- byelaws.
lated to prevent so far as practicable the emission of smoke.

Powers of local authorities as to research and publicity.

25. A local authority may—

- (a) undertake, or contribute towards the cost of, investigations and research relevant to the problem of the pollution of the air ;
- (b) arrange for the publication within their area of information on that problem ;
- (c) arrange for the delivery of lectures and addresses, and the holding of discussions, on that problem ;
- (d) arrange for the display of pictures, cinematograph films or models, or the holding of exhibitions, relating to that problem ; and
- (e) prepare, or join in or contribute to the cost of the preparation of, pictures, films, models or exhibitions to be displayed or held as aforesaid.

Unjustified disclosures of information.

26. If any person discloses any information relating to any manufacturing process or trade secret used in carrying on any particular undertaking which has been furnished to or obtained by him under this Act or in connection with the execution thereof, he shall, unless the disclosure is made—

- (a) with the consent of the person carrying on that undertaking ; or
- (b) in connection with the execution of this Act ; or
- (c) for the purposes of any legal proceedings arising out of this Act or of any report of such proceedings,

be guilty of an offence.

Penalties.

27.—(1) A person guilty of an offence under section one of this Act shall be liable on summary conviction, in the case of dark smoke from a chimney of a private dwelling, to a fine not exceeding ten pounds, and, in the case of dark smoke from any other chimney, to a fine not exceeding one hundred pounds.

(2) A person guilty of an offence under subsection (3) of section three or section eleven of this Act shall be liable on summary conviction to a fine not exceeding ten pounds.

(3) A person guilty of an offence under section twenty-six of this Act 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.

(4) A person guilty of an offence under any of the other provisions of this Act shall be liable on summary conviction to a fine not exceeding one hundred pounds :

Provided that where a person is convicted of such an offence (not being an offence under section eight of this Act) and it is shown to the satisfaction of the court that the offence was substantially a repetition or continuation of an earlier offence by

him after he had been convicted of the earlier offence, he shall be liable, on summary conviction, to a fine not exceeding one hundred pounds or not exceeding twenty pounds for every day on which the earlier offence has been so repeated or continued by him within the three months next following his conviction therefor, whichever is the greater.

(5) Any offence under any provision of this Act for which the maximum penalty which may be imposed does not exceed ten pounds may in Scotland be prosecuted in any court of summary jurisdiction within the meaning of the Summary Jurisdiction (Scotland) Act, 1954, having jurisdiction in the place where the offence was committed.

28.—(1) If works are reasonably necessary in or in connection with a building in order to enable the building to be used for some purpose without contravention of any of the provisions of this Act, the occupier of the building—

Power of county court to authorise works and order payments.

- (a) may, if by reason of a restriction affecting his interest in the building he is unable to carry out the works without the consent of the owner of the building or some other person interested therein and is unable to obtain that consent, apply to the county court for an order to enable the works to be carried out by him ; and
- (b) may, if he considers that the whole or any proportion of the cost of carrying out the works should be borne by the owner of the building or some other person interested therein, apply to the county court for an order directing the owner or other person to indemnify him, either wholly or in part, in respect of the cost thereof,

and on an application under either of the preceding paragraphs the court may make such order as may appear to the court to be just.

(2) In the application of this section to Scotland for any reference to the county court there shall be substituted a reference to the sheriff.

29.—(1) It shall be the duty of the local authority to enforce the provisions of this Act :

Enforcement.

Provided that nothing in this section shall be construed as extending to the enforcement of—

- (a) any of the provisions of the Alkali, &c. Works Regulation Act, 1906 ; or
- (b) any building byelaws.

(2) A local authority in England and Wales may institute proceedings for an offence under section one of this Act in the

case of any smoke which affects any part of their district notwithstanding that the smoke is emitted from a chimney outside their district.

(3) Nothing in this section shall be construed as authorising a local authority in Scotland to institute proceedings for an offence against this Act.

Duty to notify occupiers of offences.

30.—(1) If, in the opinion of an authorised officer of the local authority, an offence is being or has been committed under section one or section eleven of this Act or a nuisance to which section sixteen of this Act applies exists or has existed, he shall, unless he has reason to believe that notice thereof has already been given by or on behalf of the local authority, as soon as may be notify the occupier of the premises, the person having possession of the boiler or plant, the owner of the railway locomotive engine or the owner or master or other officer or person in charge of the vessel, as the case may be, and, if his notification is not in writing, shall, within forty-eight hours after he became aware of the offence, confirm the notification in writing.

(2) In any proceedings for an offence under section one or section eleven of this Act it shall be a defence to prove that the provisions of subsection (1) of this section have not been complied with in the case of the offence, and if no such notification as is required by that subsection has been given before the end of the two days next following the day of the offence, the said subsection (1) shall be deemed not to have been complied with unless the contrary is proved.

Application of Public Health Act, 1936, &c.

31.—(1) Parts I and XII of the Public Health Act, 1936 (which contain provisions relating to local administration and general and supplemental provisions) shall, so far as applicable and subject to the modifications and supplementary provisions contained in Part I of the Third Schedule to this Act, have effect in relation to this Act as if the provisions of this Act (other than the provisions amending the Alkali, &c. Works Regulation Act, 1906) were provisions of the first mentioned Act.

(2) Any order made or having effect as if made under the Public Health Act, 1936, which confers or imposes functions, rights or liabilities on a port health authority, being an order in force immediately before the appointed day, shall, as from the appointed day, have effect as if any references therein to, or which are to be construed as references to, functions, rights or liabilities of a local authority under all or any of the provisions of sections one hundred and one to one hundred and six of that Act included references to the functions, rights or liabilities of a local authority under this Act.

(3) Without prejudice to the provisions of subsections (1) and (2) of this section, any two or more local authorities may combine

for the purpose of declaring an area to be a smoke control area and in that event—

- (a) the smoke control area may be the whole of the districts of those authorities or any part thereof ;
 - (b) the references in section eleven of this Act and the first Schedule to this Act, and the first reference in subsection (1) of section twelve of this Act, to the local authority shall be construed as references to the local authorities acting jointly ;
 - (c) the reference in paragraph 2 of the said First Schedule to a place in the district of the local authority shall be construed as a reference to a place in each of the districts of the local authorities ; but
 - (d) save as aforesaid the references in this Act to the local authority shall, in relation to a building or dwelling, or to a boiler or industrial plant, in the smoke control area, be construed as references to that one of the local authorities within whose district the building, dwelling, boiler or plant is situated.
- (4) For the avoidance of doubt it is hereby declared that where a port health authority or joint board has functions, rights or liabilities under this Act—
- (a) any reference in this Act to a local authority or its district includes, in relation to those functions, rights or liabilities, a reference to the port health authority or board or its district ;
 - (b) for the purposes of this Act, no part of the district of any such port health authority or board is to be treated, in relation to any matter falling within the competence of the authority or board, as forming part of the district of any other authority.
- (5) Any power which, by virtue of section ninety-one of the Local Government Act, 1933 (either as originally enacted or as applied by or under any Act), is exercisable by any authority with functions under this Act to concur with other authorities in appointing a joint committee shall include power to appoint, for any of the purposes of this Act, a joint committee which includes persons who are not members of the appointing authorities, but any committee which includes such persons by virtue of this subsection shall be advisory only and no functions shall be delegated to it.
- (6) Any premises which extend into the districts of two or more authorities shall be treated for the purposes of this Act as being wholly within such one of those districts as may from time to time be agreed by those authorities, or, in default of agreement, determined by the Minister.

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

- (a) for the reference to Parts I and XII of the Public Health Act, 1936, there shall be substituted a reference to the following provisions, that is to say, sections eighteen, one hundred and sixty-one, one hundred and sixty-four and one hundred and seventy-two of the Public Health (Scotland) Act, 1897, sections two, twenty to twenty-two, one hundred and sixty-one, one hundred and sixty-eight to one hundred and seventy-one, and subsections (1) and (2) of section one hundred and seventy-two of the Housing (Scotland) Act, 1950, and section fourteen of the Housing (Repairs and Rents) (Scotland) Act, 1954; and for the words "Part I of the Third Schedule" there shall be substituted the words "Part III of the Third Schedule";
- (b) for references to the Public Health Act, 1936, and to sections one hundred and one to one hundred and six of that Act there shall be substituted respectively references to the Public Health (Scotland) Act, 1897, and to sections sixteen to twenty-seven of that Act in so far as they relate to the nuisances specified in paragraphs (9) and (10) of the said section sixteen; and
- (c) for the reference to section ninety-one of the Local Government Act, 1933, there shall be substituted a reference to section one hundred and nineteen of the Local Government (Scotland) Act, 1947.

Application
of Act to
London.

32.—(1) This Act, in relation to the administrative county of London and the port health district of the Port of London, shall have effect subject to the modifications specified in this section.

(2) In the last preceding section, for the references to the Public Health Act, 1936, to Parts I and XII thereof and to sections one hundred and one to one hundred and six thereof there shall be respectively substituted references to the Public Health (London) Act, 1936, to Parts I and XIV thereof and to Part V thereof, and for the reference to Part I of the Third Schedule to this Act there shall be substituted a reference to Part II of that Schedule.

(3) In section twelve of this Act, for the reference to the provisions of Part XII of the Public Health Act, 1936, with respect to appeals against, and the enforcement of, notices requiring the execution of works there shall be substituted a reference to section two hundred and eighty-six of the Public Health (London) Act, 1936.

(4) In subsection (1) of section sixteen of this Act—

- (a) for the references to Part III of the Public Health Act, 1936, and to a statutory nuisance there shall be

respectively substituted references to section two hundred and eighty-two of, and the Fifth Schedule to, the Public Health (London) Act, 1936, and to a nuisance which may be dealt with summarily under that Act, and the words from "and section one hundred and nine of that Act" to "shall not apply in relation to it" shall be omitted ;

- (b) proviso (i) shall not apply but, in proceedings brought by virtue of the said subsection (1), the maximum penalties shall, in a case falling within either of the provisions of paragraph 12 of the said Fifth Schedule, be five pounds for every day on which the offence continues and, in a case falling within the proviso to paragraph 14 of that Schedule, be five pounds for every day during which the appellant has contravened or failed to comply with the order.

(5) For subsection (2) of the said section sixteen there shall be substituted the following subsection—

"(2) If the local authority are satisfied that such a nuisance as is mentioned in subsection (1) of this section has occurred and, although it has ceased, is likely to recur, they may, without serving a nuisance notice, cause a complaint to be made to a justice of the peace and a magistrates' court shall have power on that complaint to make an order on any person by reason of whose act, default or sufferance the nuisance arose prohibiting a recurrence of the nuisance ; and section two hundred and eighty-two of, and the Fifth Schedule to, the Public Health (London) Act, 1936, shall, with the necessary adaptations and modifications, apply in relation to proceedings under this subsection and orders made thereunder as they apply in relation to proceedings under that Schedule and prohibition orders made thereunder."

(6) For any reference in this Act to building byelaws, there shall be substituted a reference to byelaws made by the London County Council under the London Building Act (Amendment) Act, 1935.

33.—(1) Any power conferred on the Minister by this Act to make regulations or orders (other than orders under subsection (2) of section seventeen of this Act) shall be exercisable by statutory instrument, and any such statutory instrument shall, except in the case of an order under subsection (7) of section eleven of this Act, an order revoking or varying such an order or an order under subsection (4) of section thirty-five of this Act, be subject to annulment in pursuance of a resolution of either House of Parliament.

Regulations,
orders and
administrative
expenses.

(2) There shall be defrayed out of moneys provided by Parliament—

- (a) any administrative expenses incurred by the Minister under this Act ; and
- (b) any increase attributable to this Act in the moneys to be so provided under Part I of the Local Government Act, 1948, or the Local Government (Financial Provisions) (Scotland) Act, 1954.

Interpretation. 34.—(1) In this Act, except so far as the context otherwise requires,—

- “appointed day” means such day as the Minister may by order appoint and different days may be appointed for different purposes, different areas and different provisions of this Act ;
- “authorised fuel” means a fuel declared by regulations of the Minister to be an authorised fuel for the purposes of this Act ;
- “authorised officer” means, as respects Scotland, any officer of a local authority authorised by them in writing, either generally or specially, to act in matters of any specified kind or in any specified matter ;
- “building byelaws” means, as respects Scotland, any statutory enactments, byelaws, rules and regulations or other provisions under whatever authority made, relating to the construction, alteration or extension of buildings ;
- “chimney” includes structures and openings of any kind from or through which smoke or (where the reference is to the chimney serving an oven) grit or dust may be emitted, and references to a chimney of a building include references to a chimney which serves the whole or a part of a building but is structurally separate therefrom ;
- “day” (except in the expression “the appointed day”) means a period of twenty-four hours beginning at midnight ;
- “fireplace” includes any furnace, grate or stove, whether open or closed ;
- “heating” in relation to a dwelling includes the heating of water ;
- “hire-purchase agreement”, as respects England and Wales, has the meaning assigned to it by section twenty-one of the Hire-Purchase Act, 1938, and, as respects Scotland, means a contract to which the Hire Purchase and Small Debt (Scotland) Act, 1932, applies ;

- “ industrial plant ” includes any still, melting pot or other plant used for any industrial or trade purposes, and also any incinerator used for or in connection with any such purposes ;
- “ local authority ”, as respects Scotland, means a county or town council ;
- “ the Minister ” means, as respects England and Wales, the Minister of Housing and Local Government and, as respects Scotland, the Secretary of State ;
- “ oven ” includes any form of retort or container used to subject solid fuel to any process involving the application of heat ;
- “ owner ”, as respects Scotland, has the like meaning as in the Public Health (Scotland) Act, 1897 ;
- “ port health authority ” means, as respects Scotland, a port local authority constituted under Part X of the Public Health (Scotland) Act, 1897 ;
- “ practicable ” means reasonably practicable having regard, amongst other things, to local conditions and circumstances, to the financial implications and to the current state of technical knowledge, and “ practicable means ” includes the provision and maintenance of plant and the proper use thereof ;
- “ smoke ” includes soot, ash, grit and gritty particles emitted in smoke.

(2) In this Act “ dark smoke ” means smoke which, if compared in the appropriate manner with a chart of the type known at the date of the passing of this Act as the Ringelmann Chart, would appear to be as dark as or darker than shade 2 on the chart.

For the avoidance of doubt it is hereby declared that, in proceedings brought under or by virtue of section one or section sixteen of this Act, the court may be satisfied that smoke is or is not dark smoke as hereinbefore defined notwithstanding that there has been no actual comparison thereof with a chart of the said type ; and, in particular, and without prejudice to the generality of the preceding provisions of this subsection, if the Minister by regulations prescribes any method of ascertaining whether smoke is dark smoke as so defined, proof in any such proceedings that that method was properly applied, and that the smoke was thereby ascertained to be or not to be dark smoke as so defined, shall be accepted as sufficient.

(3) Any reference in this Act to the occupier of a building shall, in relation to any building different parts of which are occupied by different persons, be construed as a reference to the occupier or other person in control of the part of the building in which the relevant fireplace is situated.

(4) In this Act, except so far as the context otherwise requires, "private dwelling" means any building or part of a building used or intended to be used as such, and a building or part of a building shall not be deemed for the purposes of this Act to be used or intended to be used otherwise than as a private dwelling by reason that a person who resides or is to reside therein is or is to be required or permitted to reside therein in consequence of his employment or of holding an office; and "dwelling" shall be construed accordingly.

(5) In this Act "new dwelling" means a dwelling which either—

(a) was erected after the passing of this Act; or

(b) was produced by conversion, after the passing of this Act, of other premises, with or without the addition of premises erected after the passing of this Act,

and for the purposes of this subsection, a dwelling or premises shall not be treated as erected or converted after the passing of this Act unless the erection or conversion was begun thereafter.

(6) In considering for the purposes of this Act whether any and, if so, what works are reasonably necessary in order to make suitable provision for heating and cooking in the case of a dwelling or are reasonably necessary in order to enable a building to be used for a purpose without contravention of any of the provisions of this Act, regard shall be had to any difficulty there may be in obtaining, or in obtaining otherwise than at a high price, any fuels which would have to be used but for the execution of the works.

(7) Any furnaces which are in the occupation of the same person and are served by a single chimney shall, for the purposes of sections six to eight of this Act, be taken to be one furnace.

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

Repeals and
transitional
provisions.

35.—(1) The provisions of this Act shall be in lieu of the provisions of section one hundred and fourteen of the Railways Clauses Consolidation Act, 1845, section one hundred and seven of the Railways Clauses Consolidation (Scotland) Act, 1845, section one hundred and eight of the Towns Improvement Clauses Act, 1847, the Smoke Nuisance (Scotland) Act, 1857, the Smoke Nuisance (Scotland) Act, 1865, section nineteen of the Regulation of Railways Act, 1868, paragraph (34) of section three hundred and eighty-one, so far as relating to smoke, and section three hundred and eighty-four of the Burgh Police (Scotland) Act, 1892, paragraphs (9) and (10) of section sixteen of the Public Health (Scotland) Act, 1897, sections one hundred

and one to one hundred and six of the Public Health Act, 1936, Part V of the Public Health (London) Act, 1936, the Public Health (Coal Mine Refuse) (Scotland) Act, 1939, and the Public Health (Coal Mine Refuse) Act, 1939, and accordingly the enactments mentioned in the Fourth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(2) The references in subsection (1) of this section and in the Fourth Schedule to this Act to section one hundred and fourteen of the Railways Clauses Consolidation Act, 1845, section one hundred and seven of the Railways Clauses Consolidation (Scotland) Act, 1845, and section one hundred and eight of the Towns Improvement Clauses Act, 1847, shall be construed as including references to those sections as incorporated or applied by any Act.

(3) Any building or other byelaws which have effect by virtue of subsection (2) of section one hundred and four of the Public Health Act, 1936, or subsection (4) of section one hundred and fifty-one of the Public Health (London) Act, 1936, and are in force immediately before the appointed day shall, notwithstanding the repeal of those sections, continue in force and have effect as if they had been made by virtue of section twenty-four of this Act.

(4) The Minister may, after consultation with any local authority or county council appearing to him to be concerned, by order repeal any provision of any local Act which appears to him to be unnecessary having regard to the provisions of this Act and may by that order make such amendments of that or any other local Act as appear to him to be necessary in consequence of the repeal and such transitional provision as appears to him to be necessary or expedient in connection with the matter :

Provided that in the case of a provision of a local Act which appears to the Minister to be unnecessary having regard to the provisions of sections eleven and twelve of this Act, the power conferred by this subsection shall not be exercised without the consent of the local authority.

36. The provisions of this Act other than this section, shall not extend to Northern Ireland, but, notwithstanding anything in the Government of Ireland Act, 1920, the Parliament of Northern Ireland shall have power to make laws for any purposes similar to any of the purposes of this Act. Provisions as to Northern Ireland.

37.—(1) This Act may be cited as the Clean Air Act, 1956. Short title and

(2) This Act shall come into operation on the appointed day. commence-
ment.

SCHEDULES

FIRST SCHEDULE

Sections 11, 31.

CONFIRMATION AND COMING INTO OPERATION OF ORDERS OF LOCAL AUTHORITIES UNDER SECTION ELEVEN

1. In this Schedule "order" means an order made by a local authority under section eleven of this Act.

2. After making an order, the local authority shall publish in the London Gazette and once at least in each of two successive weeks in some newspaper circulating in the area to which the order relates a notice—

- (a) stating that the order has been made and its general effect ;
- (b) specifying a place in the district of the local authority where a copy of the order and of any map or plan referred to therein may be inspected by any person free of charge at all reasonable times during a period of not less than six weeks from the date of the last publication of the notice ; and
- (c) stating that within the said period any person who will be affected by the order may by notice in writing to the Minister object to the confirmation of the order.

3. Besides publishing such a notice as aforesaid, the local authority who have made an order shall post, and keep posted throughout the said period, copies of the notice in such number of conspicuous places within the area to which the order relates as appear to them necessary for the purpose of bringing the making of the order to the notice of persons affected.

4. If no objection is duly made to the Minister within the said period, or if every objection so made is withdrawn, the Minister may, if he thinks fit, confirm the order either with or without modifications, and in any other case he shall before confirming the order cause a local inquiry to be held and consider any objection not withdrawn and the report of the person holding the inquiry and may then confirm the order either with or without modifications.

5. Subsections (2) to (5) of section two hundred and ninety of the Local Government Act, 1933 (which relate to the summoning of witnesses and the production of documents before, and the costs incurred at, local inquiries held under that section), shall apply to an inquiry held under this Schedule by the Minister of Housing and Local Government as they apply to inquiries held under that section.

6. An order when confirmed shall come into operation on such date as may be specified therein, not being a date earlier than six months from the date of the confirmation :

Provided that if, before the date on which the order is to come into operation, the local authority—

- (a) pass a resolution postponing the coming into operation thereof ; and

(b) publish a notice stating the effect of the resolution in the London Gazette and once at least in each of two successive weeks in some newspaper circulating in the area to which the order relates,

1ST SCH.
—cont.

the order shall, unless the coming into operation thereof is again postponed under this proviso, come into operation on the date specified in the resolution.

7. In the application of this Schedule to Scotland, for any reference to the London Gazette there shall be substituted a reference to the Edinburgh Gazette.

SECOND SCHEDULE

Section 17

AMENDMENTS OF ALKALI, &C. WORKS REGULATION ACT, 1906

For subsection (2) of section one, there shall be substituted the following subsection—

“(2) The owner of any alkali work which is carried on in contravention of this section shall be guilty of an offence.”

For subsection (2) of section two, there shall be substituted the following subsection—

“(2) If the owner of any alkali work fails, in the opinion of the court having cognizance of the matter, to use such means, he shall be guilty of an offence.”

For subsection (2) of section three, there shall be substituted the following subsection—

“(2) The owner of any work which is carried on in contravention of this section shall be guilty of an offence.”

For subsection (3) of section six there shall be substituted the following subsection—

“(3) The owner of any sulphuric acid work or of any muriatic acid work which is carried on in contravention of this section shall be guilty of an offence.”

For subsection (2) of section seven there shall be substituted the following subsection—

“(2) If the owner of any such work fails, in the opinion of the court having cognizance of the matter, to use such means, he shall be guilty of an offence.”

For subsection (5) of section eight there shall be substituted the following subsection—

“(5) Any person who contravenes or fails to comply with any of the provisions of an order made under this section shall be guilty of an offence.”

For subsection (8) of section nine there shall be substituted the following subsection—

“(8) The owner of a work which has been carried on in contravention of this section shall be guilty of an offence.”

2ND SCH.
—cont.

After section sixteen there shall be inserted the following section—

“Penalties
for certain
offences.

16A.—(1) A person guilty of an offence under this Act for which no express penalty is provided shall be liable on summary conviction to a fine not exceeding one hundred pounds:

Provided that where a person is convicted of such an offence and it is shown to the satisfaction of the court that the offence was substantially a repetition or continuation of an earlier offence by him after he had been convicted of the earlier offence, he shall be liable on summary conviction to a fine not exceeding one hundred pounds or not exceeding twenty pounds for every day on which the earlier offence has been so repeated or continued by him within the three months next following his conviction therefor, whichever is the greater.

(2) No proceedings shall be brought for any offence to which subsection (1) of this section applies except by an inspector and with the sanction of the central authority.

(3) In the application of this section to Scotland, subsection (2) shall be omitted.”

In paragraph (2) of section seventeen the words “except as respects a fine for the contravention of the provisions of this Act as to the registration of works” shall cease to have effect.

In subsection (4) of section eighteen, for the words “under this Act” there shall be substituted the words “under section four of this Act.”

Sections 31, 32.

THIRD SCHEDULE

MODIFICATIONS OF, AND PROVISIONS SUPPLEMENTARY TO, PUBLIC HEALTH ACTS, &C.

PART I

Public Health Act, 1936

1. Section two hundred and eighty-seven (which confers a power of entry on premises)—

(a) shall not, except in relation to work under subsection (2) of section twelve of this Act, apply in relation to any premises being a private dwelling; but

(b) shall apply in relation to any vessel as it applies in relation to premises.

2. Section two hundred and ninety-seven shall have effect as if the reference to a daily penalty in respect of a continuing offence included a reference to a daily penalty in respect of a repetition of an offence.

3. Sections three hundred and seventeen, three hundred and nineteen, three hundred and forty-one and three hundred and forty-two (which relate respectively to repeals and alterations of local Acts, to regulations made by the Minister, to the application of the Act to Crown property and to the application of portions of the Act to London) shall not apply.

PART II

3RD SCH.
—cont.*Public Health (London) Act, 1936*

1. The local authorities for the purposes of the provisions of this Act shall, subject to the provisions of the Public Health (London) Act, 1936, relating to the port health authority, be the sanitary authorities and not the county council ;

Provided that—

- (a) both the county council and the sanitary authorities shall be local authorities for the purposes of section twenty-five of this Act ;
- (b) if, in any special case, a sanitary authority so requests, the county council may enforce any of the provisions of this Act in lieu of the sanitary authority ;
- (c) the duty of enforcing the provisions of this Act in relation to any such premises, not being premises within the Port of London, as are occupied by a sanitary authority, shall be performed by the county council ;

and, for the purposes of performing their duties under this proviso, the county council may act as if they were the local authority and the county were their district.

2. Section three (which confers jurisdiction on sanitary authorities over ships within their districts) and the definition of “building” in subsection (1) of section three hundred and four shall not apply.

3. The sanitary authority, the county council and the port health authority may, for the purpose of enforcing the provisions of this Act enforceable by them respectively, of exercising any of their powers under this Act and of ascertaining whether there is or has been on, or in connection with, any premises any contravention of those provisions or whether any of their powers under this Act ought to be exercised, enter upon any premises by day or at any time during the night when business is being carried on thereon :

Provided that—

- (a) in the case of a private dwelling, this paragraph shall have effect only in relation to work under subsection (2) of section twelve of this Act ; and
- (b) except in the case of a factory within the meaning of the Factories Act, 1937, or of any other premises in which persons are employed otherwise than in domestic service, admission to any premises shall not be demanded as of right unless twenty-four hours’ notice of the intended entry has been given to the occupier.

4. Paragraph 3 of this Part of this Schedule shall apply in relation to vessels as it applies in relation to premises.

3RD SCH.
—cont.

PART III

Scottish Enactments

Public Health (Scotland) Act, 1897

Section eighteen (which confers a power of entry on premises) shall have effect subject to the following modification and to any other necessary modifications consequential thereon, that is to say, that the purposes for which the power of entry may be exercised shall include the purposes of enforcing the provisions of this Act enforceable by the local authority, of exercising any of the powers of the authority under this Act and of ascertaining whether there is or has been on, or in connection with, the premises any contravention of those provisions or whether any of the powers of the authority under this Act ought to be exercised:

Provided that—

- (a) the said section eighteen shall not, except in relation to work under subsection (2) of section twelve of this Act, apply in relation to any premises being a private dwelling; and
- (b) except in the case of a factory within the meaning of the Factories Act, 1937, or of any other premises in which persons are employed otherwise than in domestic service, admission to any premises shall not be demanded as of right unless twenty-four hours' notice of the intended entry has been given to the occupier.

This paragraph shall apply in relation to vessels as it applies in relation to premises.

Housing (Scotland) Act, 1950

Section twenty-two shall have effect as if the reference to section five or section eight of that Act included a reference to section twelve of this Act.

Section one hundred and sixty-one (which imposes a penalty for obstructing the execution of works) shall have effect as if, in subsection (1), the words "Part II of" and paragraph (b) were omitted.

FOURTH SCHEDULE

Section 35.

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
8 & 9 Vict. c. 20.	The Railways Clauses Consolidation Act, 1845.	Section one hundred and fourteen.
8 & 9 Vict. c. 33.	The Railways Clauses Consolidation (Scotland) Act, 1845.	Section one hundred and seven.
10 & 11 Vict. c. 34.	The Towns Improvement Clauses Act, 1847.	Section one hundred and eight.
20 & 21 Vict. c. 73.	The Smoke Nuisance (Scotland) Act, 1857.	The whole Act.
28 & 29 Vict. c. 102.	The Smoke Nuisance (Scotland) Act, 1865.	The whole Act.
31 & 32 Vict. c. 119.	The Regulation of Railways Act, 1868.	Section nineteen.
55 & 56 Vict. c. 55.	The Burgh Police (Scotland) Act, 1892.	In section three hundred and eighty-one, in paragraph (34), the words "smoke or". Section three hundred and eighty-four.
60 & 61 Vict. c. 38.	The Public Health (Scotland) Act, 1897.	In section sixteen, paragraphs (9) and (10). In section twenty-two, the words "and the cases under subsections (9) and (10) in said section". In section twenty-four, the word "(10)", the words "and (9)", and the words from "Provided always" to the end of the section.
26 Geo. 5. & 1 Edw. 8. c. 49.	The Public Health Act, 1936.	Sections one hundred and one to one hundred and six. In section one hundred and nine, in subsection (2), paragraph (b) and the words "or exclusion". In section two hundred and sixty-seven, the proviso to subsection (4).

4TH SCH.
—cont.

Session and Chapter	Short Title	Extent of Repeal
26 Geo. 5. & 1 Edw. 8. c. 50.	The Public Health (London) Act, 1936.	Sections one hundred and forty-seven to one hundred and fifty-four. In the Fifth Schedule, in paragraph 1, the words from "and the expression 'smoke nuisance'" to the end of the paragraph and, in paragraphs 6, 12 and 14, the words from "in a case" to "any other case", wherever they occur.
2 & 3 Geo. 6. c. 23.	The Public Health (Coal Mine Refuse) (Scotland) Act, 1939.	The whole Act.
2 & 3 Geo. 6. c. 58.	The Public Health (Coal Mine Refuse) Act, 1939.	The whole Act.

— ∞ —

Table of Statutes referred to in this Act.

Short Title	Session and Chapter
Railways Clauses Consolidation Act, 1845 ...	8 & 9 Vict. c. 20.
Railways Clauses Consolidation (Scotland) Act, 1845.	8 & 9 Vict. c. 33.
Towns Improvement Clauses Act, 1847 ...	10 & 11 Vict. c. 34.
Smoke Nuisance (Scotland) Act, 1857 ...	20 & 21 Vict. c. 73.
Smoke Nuisance (Scotland) Act, 1865 ...	28 & 29 Vict. c. 102.
Regulation of Railways Act, 1868 ...	31 & 32 Vict. c. 119.
Burgh Police (Scotland) Act, 1892 ...	55 & 56 Vict. c. 55.
Public Health (Scotland) Act, 1897 ...	60 & 61 Vict. c. 38.
Alkali, &c., Works Regulation Act, 1906 ...	6 Edw. 7. c. 14.
Merchant Shipping Act, 1906 ...	6 Edw. 7. c. 48.
Welsh Church Act, 1914 ...	4 & 5 Geo. 5. c. 91.
Electricity (Supply) Act, 1919 ...	9 & 10 Geo. 5. c. 100.
Government of Ireland Act, 1920 ...	10 & 11 Geo. 5. c. 67.
Public Health (Smoke Abatement) Act, 1926 ...	16 & 17 Geo. 5. c. 43.
Hire Purchase and Small Debt (Scotland) Act, 1932.	22 & 23 Geo. 5. c. 38.

Short Title	Session and Chapter
Local Government Act, 1933	23 & 24 Geo. 5. c. 51.
London Building Act (Amendment) Act, 1935	25 & 26 Geo. 5. c. xcii.
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.
Factories Act 1937	1 Edw. 8 & 1 Geo. 6. c. 67.
Hire-Purchase Act, 1938	1 & 2 Geo. 6. c. 53.
Public Health (Coal Mine Refuse) (Scotland) Act, 1939.	2 & 3 Geo. 6. c. 23.
Public Health (Coal Mine Refuse) Act, 1939 ...	2 & 3 Geo. 6. c. 58.
Local Government (Scotland) Act, 1947 ...	10 & 11 Geo. 6. c. 43.
Local Government Act, 1948	11 & 12 Geo. 6. c. 26.
Housing (Scotland) Act, 1950	14 Geo. 6. c. 34.
Alkali, &c., Works Regulation (Scotland) Act, 1951.	14 & 15 Geo. 6. c. 21.
Visiting Forces Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2. c. 67.
Local Government (Financial Provisions) (Scotland) Act, 1954.	2 & 3 Eliz. 2. c. 13.
Summary Jurisdiction (Scotland) Act, 1954 ...	2 & 3 Eliz. 2. c. 48.
Housing (Repairs and Rents) (Scotland) Act, 1954.	2 & 3 Eliz. 2. c. 50.
Mines and Quarries Act, 1954	2 & 3 Eliz. 2. c. 70.

CHAPTER 53

Teachers (Superannuation) Act, 1956

ARRANGEMENT OF SECTIONS

PART I

PROVISIONS APPLYING TO ENGLAND AND WALES

Accounts and contributions

Section

1. Writing-off of accrued deficiency of contributions.
2. Increase of contributions.
3. Actuarial inquiries.
4. Provisions for supplementary contributions by employers.

Miscellaneous amendments

Section

5. Amendments of basis of calculating superannuation allowances.
6. Extension of service to age of 70.
7. Calculation of salary and average salary.
8. Provision for widows', widowers', children's and dependants' pensions.
9. Allocation of part of superannuation benefits to spouse or dependant.
10. Increased annual allowance in exchange for surrender of additional allowance.
11. Allowances and gratuities in respect of successive periods of service.
12. Re-employment of pensioned teachers in contributory service.
13. Return of contributions.
14. Allowances and gratuities on retirement on grounds of infirmity.
15. Extension of principal Acts to teachers in schools accepted by Minister.
16. Recognition of teachers in respect of service before Act of 1945.
17. Amendment of Teachers (Superannuation) Act, 1937. s. 2.
18. Further provisions as to service in schools abroad.
19. Further provision as to employment of value to teachers.
20. Duplicate pensions.
21. Intervals of payments of annuities and allowances.
22. Payment of deferred annuities under Elementary School Teachers (Superannuation) Act, 1898.
23. Consequential and other provisions as to approved external service.

Supplementary

24. Saving for National Insurance Act, 1946.
25. Application of Statutory Instruments Act.
26. Extent and interpretation of Part I.

PART II**PROVISIONS APPLYING TO SCOTLAND**

27. Dismissal of teacher with forty-five years' service.
28. Election by teachers for provisions of the scheme.
29. Contributions towards benefits under Teachers Superannuation Scheme.
30. Teachers superannuation account and actuarial inquiries.
31. Payment of deferred annuities under 61 and 62 Vict. c. 57.
32. Interpretation of Part IV of Act of 1946.
33. Amendment of Part I of the Third Schedule to the Act of 1946.
34. Amendment of Part II of the Third Schedule to the Act of 1946.
35. Amendment of Part III of the Third Schedule to the Act of 1946.
36. Amendment of Fourth Schedule to the Act of 1946.
37. Amendment of the Education (Scotland) (War Service Superannuation) Act, 1939.
38. Extent and interpretation of Part II.

PART III

GENERAL

Section

39. Expenses and payments into Exchequer.
40. Functions of Government Actuary.
41. Short title, citation, commencement and extent.

SCHEDULES:

First Schedule—Modification of enactments in relation to teachers electing under s. 10 of this Act.

Second Schedule—Provisions as to approved external service.

An Act to amend the Elementary School Teachers (Superannuation) Act, 1898, the Teachers (Superannuation) Acts, 1918 to 1946, and so much of the Education (Scotland) Acts, 1939 to 1953, as relates to superannuation and to the employment of teachers over the age of sixty-five years; and for purposes connected therewith. [5th July, 1956]

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

PROVISIONS APPLYING TO ENGLAND AND WALES

Accounts and contributions

1.—(1) There shall be added to the sums which, under the Second Schedule to the principal Act, are to be treated as revenue of the teachers' superannuation account for the accounting period ending on the thirty-first day of March, nineteen hundred and fifty-six, such additional amount as may be certified by the Government Actuary to be the amount by which the value at that date of the expenditure which will be required to be included in that account after that date in respect of teachers who then were employed in contributory service or had previously been employed in recognised or contributory service (being expenditure attributable to service on and after the first day of June, nineteen hundred and twenty-two) exceeds the aggregate of—

Writing-off
of accrued
deficiency of
contributions.

- (a) the value at the said thirty-first day of March of the contributions which (apart from the provisions of

O

PART I
—cont.

section four of this Act) will be payable after that date in respect of such teachers, and of the sums which will fall to be credited to the said account after that date in accordance with sub-paragraphs (c) and (e) of paragraph 2 of the said Second Schedule ; and

(b) the balance of revenue over expenditure remaining in the said account at the end of the said period.

(2) The amount required to be added as aforesaid shall be disregarded for the purpose of estimating any sum representing interest which is to be included in the revenue for the said accounting period under sub-paragraph (c) of paragraph 2 of the said Second Schedule.

(3) For the purpose of calculating the amount to be added as aforesaid, regard shall be had to any future increase in the scales of remuneration of teachers for which provision is made by any order in force under section eighty-nine of the Education Act, 1944, on the thirty-first day of March, nineteen hundred and fifty-six, or which has been approved by the Minister before that date in accordance with regulations made under section one hundred of that Act, but subject as aforesaid the scales of remuneration shall be taken to be those in force on that date.

Increase of
contributions.

2.—(1) The amount of the contribution to be paid by a teacher under section nine of the principal Act in respect of any period after the commencement of this Act shall be an amount equal to six per cent., instead of five per cent., of the amount of his salary for the time being.

(2) Subject to the provisions of this Act with respect to supplementary contributions by employers, the amount of the contribution payable under the said section nine by the employer of a teacher in respect of any period after the commencement of this Act shall be an amount equal to six per cent., instead of five per cent., of the amount of the salary for the time being of the teacher.

(3) The amount payable by a teacher by way of contribution under subsection (1) of section two of the Teachers (Superannuation) Act, 1937 (which enables teachers to make contributions during intervals of contributory service) shall, in lieu of the amount specified in that subsection, be a sum equal to the aggregate of the contributions which would have been payable in respect of the period of absence of the teacher if he had continued throughout that period to be employed in contributory service at the salary described in subsection (2) of that section.

(4) Subsection (3) of the said section two is hereby repealed ; and for the purposes of Part II of the principal Act so much of any sum paid by a teacher under subsection (1) of that section

as amended by this section as is equal to the contribution which would have been payable by the teacher if he had continued to be employed as aforesaid shall be treated as having been paid by the teacher by way of teacher's contributions, and the remainder shall be treated as paid by way of employer's contributions.

PART I
—cont.

3.—(1) The Treasury shall cause an actuarial inquiry to be made by the Government Actuary for the purpose of determining the amount to be added by virtue of section one of this Act to the revenue of the teachers' superannuation account for the accounting period mentioned in that section. Actuarial inquiries.

(2) The Treasury shall cause an actuarial inquiry to be made by the Government Actuary at the end of every fifth subsequent accounting period for the purpose of determining whether, on the basis of the said account, the contributions payable under Part II of the principal Act are sufficient, more than sufficient, or less than sufficient, to support the expenditure required to be included in that account so far as attributable to service on and after the first day of June, nineteen hundred and twenty-two.

(3) The Treasury shall cause a report by the Government Actuary of every inquiry made in pursuance of this section to be laid before each House of Parliament.

(4) Section ten of the Teachers (Superannuation) Act, 1945, and in section fifteen of the principal Act the words from "and at the expiration" to the end of the section, are hereby repealed; and this subsection, so far as it repeals the said section ten, shall be deemed to have had effect as from the thirty-first day of March, nineteen hundred and fifty-five.

4.—(1) If on the making of an inquiry in pursuance of subsection (2) of section three of this Act it appears that the value at the end of the period for which the inquiry is made of the expenditure required to be included in the teachers' superannuation account after the end of that period in respect of teachers who then were employed in contributory service or had previously been employed in recognised or contributory service (being expenditure attributable to service on and after the first day of June, nineteen hundred and twenty-two) exceeds the aggregate of— Provisions for supplementary contributions by employers.

- (a) the value at the end of that period of the contributions payable after the end of that period in respect of such teachers and of the sums falling to be credited to the said account after the end of that period in accordance with sub-paragraphs (c) and (e) of paragraph 2 of the Second Schedule to the principal Act; and
- (b) the balance of revenue over expenditure remaining in the said account at the end of that period,

PART I
—cont.

the Government Actuary's report of the inquiry shall specify the rate per cent. (being a rate of one quarter of one per cent. or of a multiple of one quarter of one per cent.) at which further contributions are required in respect of the salaries of all teachers to whom Part II of the principal Act from time to time applies in order to make good the deficiency by the expiration of a period of forty years beginning with the accounting period next after that in which the report is made.

(2) Where any such rate is specified in the report as aforesaid, the contributions to be paid under section nine of the principal Act by the employer of any teacher to whom Part II of that Act applies in respect of any period after the expiration of the accounting period in which the report is made, and before the expiration of the accounting period in which the next subsequent report is made in pursuance of subsection (2) of section three of this Act, shall include supplementary contributions calculated in relation to the salary of the teacher for the time being at the rate specified in the report.

(3) In sub-paragraph (a) of paragraph 2 of the Second Schedule to the principal Act (which provides for the inclusion of teachers' and employers' contributions in the teachers' superannuation account) for the words "a sum equal to that amount" there shall be substituted the words "the amount of the employers' contributions attributable to the period, including any supplementary contributions".

Miscellaneous amendments

Amendments
of basis of
calculating
superannuation
allowances.

5.—(1) The superannuation allowances to be granted under section three of the principal Act shall be as follows, that is to say:—

- (a) an annual allowance during life not exceeding an amount calculated by reference to the whole period of service of the teacher which was recognised or contributory service at the rate of one-eightieth of his average salary for a year of service; and
- (b) by way of additional allowance, a lump sum not exceeding an amount calculated by reference to the said period at the rate of three-eightieths of the average salary of the teacher for a year of service:

Provided that the period of service of which account is taken for the purposes of this subsection shall not exceed forty-five years, and the period of service served before the teacher attains the age of sixty years of which account is taken for those purposes shall not exceed forty years.

(2) The provisions of the foregoing subsection relating to additional allowances shall have effect subject to the following transitional provisions:—

PART I
—cont.

- (a) in relation to service before the commencement of this Act, paragraph (b) of that subsection shall have effect as if for the words “three-eightieths” there were substituted the words “one-thirtieth”, but any service of a teacher to be disregarded under the proviso to that subsection shall be taken from the beginning of his service;
- (b) in relation to an additional allowance payable to a teacher whose service falls partly before and partly after the commencement of this Act, the proviso to that subsection shall apply as if the words from “and the period” to the end were omitted, but the amount of the additional allowance, so far as attributable to service before the age of sixty years, shall not exceed one-and-a-half times his average salary.

(3) Subsection (3) of section three of the principal Act (which specifies the superannuation allowances to be granted under that section) is hereby repealed; and any reference to that subsection in the principal Acts shall be construed as a reference to the foregoing provisions of this section.

(4) The foregoing provisions of this section shall not apply in relation to any annual allowance which began to accrue, or any additional allowance which became payable, before the commencement of this Act.

6.—(1) Subject to the provisions of this section, the definitions of “service” contained in section eighteen of the principal Act and in section thirteen of the Teachers (Superannuation) Act, 1945, shall have effect, in relation to service after the commencement of this Act, as if for the words “under sixty-five years of age” there were substituted the words “under seventy years of age”. Extension of service to age of 70.

(2) Each of the following provisions of the principal Act, that is to say,—

- (a) paragraph (d) of subsection (1) of section three (which provides for the grant of superannuation allowances to teachers who retire on grounds of infirmity before attaining the age of sixty-five years);
- (b) section four (which provides for the grant of short service gratuities to certain teachers who retire as aforesaid);

PART I
—cont.

- (c) subsection (2) of section six (which relates to the re-employment of teachers otherwise than in contributory service or in employment which would be contributory service if they were under the said age); and
- (d) subsection (3) of section twelve (which provides for the repayment of contributions to teachers who have not qualified for superannuation allowances on attaining the said age),

shall have effect as if for any reference to the age of sixty-five years there were substituted a reference to the age of seventy years.

(3) No contributions shall be payable in respect of a teacher under section nine of the principal Act for any period after he has completed forty-five years of service of which account can be taken for the purposes of paragraph (a) of subsection (1) of section five of this Act.

(4) For the purpose of ascertaining the amount of any allowance or gratuity under the principal Act in the case of a teacher who has served during any such period as aforesaid, subsection (2) of section ten of that Act (which provides for the calculation of average salary by reference to years of service preceding the commencement or grant of an allowance or gratuity) shall have effect as if for the reference therein to the commencement of an annual superannuation allowance or the grant of an additional allowance or gratuity there were substituted a reference to the beginning of the said period.

Calculation
of salary and
average salary.

7.—(1) Subject to the provisions of this section, the following enactments, that is to say:—

- (a) paragraph (a) of the proviso to subsection (1) of section ten of the principal Act (which provides that no account shall be taken for the purposes of Part II of that Act of any amount by which a teacher's salary exceeds two thousand pounds per annum, except in the circumstances therein mentioned); and
- (b) subsection (1A) of that section (which was inserted by the Second Schedule to the Teachers (Superannuation) Act, 1945, and raised the limit imposed by the said paragraph (a) from two thousand to three thousand pounds per annum in the case of future service),

shall cease to have effect, and be deemed never to have had effect, in relation to service on and after the first day of October, nineteen hundred and fifty.

(2) The foregoing subsection shall not affect any superannuation allowance or gratuity granted under Part II of the principal Act before the commencement of this Act or any contributions

in respect of the person to or in respect of whom the allowance or gratuity was granted.

PART I
—cont.

(3) Where a teacher in respect of whom contributions are for the time being payable under the principal Act suffers a reduction in his salary while continuing to be employed or upon being re-employed in contributory service, the teacher may with the approval of the Minister elect that this subsection shall apply to him ; and in any such case—

(a) the contributions payable in respect of the teacher under the principal Act or this Act during any period while he is employed in contributory service (not having withdrawn his election by notice in writing given to the Minister) ; and

(b) the average salary of the teacher, so far as ascertained by reference to employment during any such period, shall be calculated by reference to the salary at which the teacher was last employed before the reduction, or at which he is for the time being employed, whichever is the higher.

Provided that if at any time during the said period the teacher is by reason of sickness receiving part only of his actual salary, the amount of any contributions payable in respect of him under Part II of the principal Act shall be calculated as if he were receiving a proportionate part of any higher salary by reference to which those contributions are required by this subsection to be calculated.

(4) In relation to any annual allowance which begins to accrue or any additional allowance or gratuity which becomes payable under the principal Acts after the commencement of this Act (not being a supplementary death gratuity payable under subsection (2) of section five of the principal Act in respect of a teacher to whom an annual superannuation allowance had been granted before the commencement of this Act), subsection (2) of the said section ten (which relates to the calculation of average salary) and the definition of the expression “average salary” in section eighteen of the School Teachers (Superannuation) Act, 1918, shall each have effect as if for the words “five years” (wherever occurring) there were substituted the words “three years” :

Provided that this subsection shall not operate so as to reduce the amount of any allowance or gratuity payable to or in respect of a person who has not been employed in contributory service after the commencement of this Act.

8.—(1) The Minister may, with the consent of the Treasury and after consultation with representatives of local education authorities and of teachers affected, make rules providing for the payment of pensions of such amounts, in such cases and

Provision for widows', widowers', children's and dependants' pensions.

PART I
—cont.

subject to such conditions as may be prescribed by the rules to and for the benefit of the widows, widowers, children or other dependants of teachers who die, after such date as may be specified in the rules, being teachers who—

- (a) have become eligible, whether before or after that date, for the grant of an annual superannuation allowance under subsection (1) of section three of the principal Act ; or
- (b) die while employed in contributory service in circumstances in which they would have become eligible for the grant of such an allowance under paragraph (d) of that subsection if they had then become incapable of serving by reason of infirmity ; or
- (c) having been employed for not less than ten years in service which is recognised or contributory service, die within such period after ceasing to be so employed as may be prescribed by the rules.

(2) Rules made under this section, so far as they provide for pensions for widows, widowers and children, may apply, irrespective of election, to male or female teachers who enter into contributory service after the date specified in the rules ; but except as aforesaid rules so made shall apply only to a teacher who elects that the rules shall apply, or does not elect that the rules shall not apply, in his case.

(3) For the purpose of supporting the benefits payable by virtue of rules under this section, the rules shall provide for contributions to be made by or in respect of the teachers to whom they apply of such amounts as appear to the Minister to be sufficient for that purpose, such contributions to be satisfied, as the case may be,—

- (a) by means of the reduction, by such amount as may be specified in or determined under the rules, of any additional allowances payable to such teachers under section three of the principal Act after the date specified in the rules, or the refund of such proportion as may be so specified or determined of any additional allowances paid under the said section three to such teachers before that date ; or
- (b) by means of the reduction, by such amount as may be so specified or determined, of any sums payable after that date in respect of such teachers by way of death gratuities under section five or return of contributions under section twelve of that Act.

(4) Section fifteen of the principal Act (which relates to accounts) shall apply in relation to sums received by way of refund of additional allowances in accordance with rules under

this section, and in relation to expenditure in respect of benefits payable by virtue of such rules, as it applies in relation to the revenue and expenditure mentioned in that section.

PART I
—cont.

(5) Rules under this section may apply to pensions payable thereunder, subject to such modifications, if any, as may be specified therein, any of the provisions set out in the First Schedule to the principal Act relating to allowances under that Act.

9.—(1) Section one of the Teachers (Superannuation) Act, 1937 (which makes provision for allocation of benefits to spouses or dependants by teachers to whom annual superannuation allowances are granted) shall have effect as if the reference in paragraph (a) of subsection (1) of that section to a teacher to whom an annual superannuation allowance is granted included a reference to a teacher who would have become entitled to such an allowance if he had retired from his employment.

Allocation of part of superannuation benefits to spouse or dependant.

(2) If a teacher who has surrendered part of any such allowance as aforesaid in pursuance of the said section one while employed in contributory service ceases to be so employed by reason of his death, the said section one shall have effect as if that allowance had commenced immediately before he died.

(3) In ascertaining for the purposes of the said section one the actuarial equivalent of any part of an allowance which is surrendered by a teacher while employed in contributory service, it shall be assumed that there will be no change in the teacher's state of health between the date on which he makes the surrender and the date of the commencement of the allowance.

(4) So much of subsection (2) of the said section one as requires the amount of any pension or annuity granted under paragraph (b) of subsection (1) of that section to be reduced to such extent as the Government Actuary considers sufficient to recoup the Minister the cost, as estimated by him, of administering the provisions of the said section one shall cease to have effect in relation to any pension or annuity granted after the commencement of this Act.

10.—(1) Any teacher who, after the commencement of this Act, applies for such superannuation allowances as are mentioned in subsection (1) of section five of this Act or in subsection (2) of section one of the School Teachers (Superannuation) Act, 1918, may upon making his application elect to surrender his additional allowance in return for an increase in the amount of his annual allowance.

Increased annual allowance in exchange for surrender of additional allowance.

(2) The amount of the increase to be made under the foregoing subsection in an annual superannuation allowance shall

0*

PART I
—cont.

be actuarially equivalent (according to tables to be prepared from time to time by the Government Actuary) to the value of the allowance surrendered by the teacher.

(3) Any election made by a teacher under subsection (1) of this section in respect of an additional allowance shall be deemed to extend to any subsequent additional allowance which may be granted to him by virtue of section eleven of this Act, and the increase to be made in the annual allowance of a teacher who has made such an election shall apply to any subsequent annual allowance which may be granted to him by virtue of the said section eleven.

(4) In relation to a teacher who has made an election under this section, the enactments specified in the first column of the First Schedule to this Act shall have effect subject to the modifications specified in the second column of that Schedule ; but, except as aforesaid, any reference in any enactment (including, unless the context otherwise requires, any enactment contained in this Act) to an annual superannuation allowance payable under the principal Act or under the School Teachers (Superannuation) Act, 1918, in respect of that teacher shall be construed as a reference to the allowance as increased by virtue of the election.

(5) Any reference in this section to a teacher's additional allowance shall be construed as a reference to so much of that allowance as remains after any reduction effected in pursuance of rules under section eight of this Act.

Allowances
and gratuities
in respect of
successive
periods of
service.

11.—(1) The grant to a teacher of an annual allowance, additional allowance or short service gratuity under Part II of the principal Act shall be without prejudice to the grant to him of a subsequent annual allowance, additional allowance or short service gratuity on the termination of any subsequent period of employment in contributory service :

Provided that—

- (a) any subsequent annual allowance shall be in substitution for any annual allowance previously granted to the teacher, and the amount of any such subsequent allowance, exclusive of any increase by virtue of any election under section ten of this Act, shall be not less than the amount of the allowance previously granted, exclusive of any such increase ;
- (b) there shall be deducted from the amount of any subsequent additional allowance or short service gratuity the amount of any additional allowance or short service gratuity previously granted to the teacher ;

(c) no subsequent annual allowance or additional allowance shall be granted unless the teacher has been employed in contributory service for a period of, or for periods amounting in the aggregate to, at least twelve months since the last previous grant of such an allowance.

(2) Where an additional allowance is surrendered in pursuance of an election under section ten of this Act, or the amount of such an allowance reduced in pursuance of rules under section eight of this Act, the foregoing subsection shall have effect, in relation to any subsequent additional allowance or gratuity, as if the first-mentioned allowance had been granted or had not been reduced, as the case may be.

(3) For the purposes of paragraph (c) of the proviso to subsection (1) of this section so far as it relates to annual allowances, any employment before the commencement of this Act which would have been contributory service if section six of this Act had been in force shall be treated as contributory service.

(4) Section seven of the Teachers (Superannuation) Act, 1945 (which provides that a subsequent annual allowance shall be of an amount not less than that of an annual allowance previously granted), is hereby repealed.

12.—(1) If a teacher to whom an annual superannuation allowance has been granted is employed after the commencement of this Act in contributory service, or in employment which would, if he were less than seventy years of age, be contributory service, then—

Re-employment of pensioned teachers in contributory service.

(a) in respect of any period of that employment for which the teacher is entitled to a salary at a rate less than that of the salary at which he was last employed in contributory service before the grant of the allowance, so much only of the allowance shall be paid to him as, with the salary to which he is entitled, is equal to the rate of the salary at which he was last employed as aforesaid; and

(b) in respect of any period of that employment for which the teacher is entitled to a salary at a rate not less than that of the salary at which he was last employed as aforesaid, the allowance shall be suspended.

(2) If the Minister is of opinion that it would be inequitable for a teacher's superannuation allowance to be reduced or suspended in accordance with the provisions of the foregoing subsection, he may, to such extent as he thinks just, disregard for the purposes of that subsection any salary to which the teacher has become entitled in respect of any such employment as is therein mentioned.

PART I
—cont.

(3) In relation to a teacher who has made an election under section ten of this Act, subsection (1) of this section shall apply to so much only of his annual allowance as would have been payable apart from the election.

(4) Subsection (1) of section six of the principal Act (which provides for the cessation of the annual allowances of teachers re-employed in contributory service) is hereby repealed; and notwithstanding anything in section thirty-eight of the Interpretation Act, 1889 (which relates to the effect of repeals), any allowance which, apart from the said subsection (1), would have been payable to a teacher employed as therein mentioned immediately before the commencement of this Act shall, subject to the foregoing provisions of this section, be revived as from the commencement of this Act.

Return of
contributions.

13.—(1) If a teacher to whom an annual allowance, additional allowance or short service gratuity has been granted, is employed in contributory service for any period after the commencement of this Act, but is not qualified by virtue of his service during that period for a subsequent annual allowance at a rate exceeding that of the annual allowance previously granted, or for any further sum by way of additional allowance or short service gratuity, he or his legal personal representatives shall be entitled on his ceasing to be so employed to be repaid a sum equal to the contributions paid by him in respect of that period.

(2) Any period in respect of which contributions have been repaid to a teacher under this section shall be excluded in reckoning his periods of contributory service unless the teacher is again employed in contributory service and, while so employed, repays a sum equal to the contributions so repaid to him.

Allowances
and gratuities
on retirement
on grounds of
infirmity.

14.—(1) Where a teacher becomes qualified after the commencement of this Act for the grant of superannuation allowances by virtue of paragraph (d) of subsection (1) of section three of the principal Act (which provides for the grant of such allowances to teachers who retire on grounds of infirmity after not less than ten years of service), then if the teacher—

(a) is under the age of sixty-five years when he becomes so qualified; and

(b) has not then completed twenty years of recognised or contributory service of which account can be taken for the purposes of subsection (1) of section five of this Act,

the said allowances shall be calculated as if the teacher had completed such period of service of which account can be taken as

aforesaid, not exceeding twenty years, as he would have completed if he had remained in contributory service until attaining the said age.

PART I
—cont.

(2) For the purposes of paragraph (a) of subsection (2) of section five of this Act, any additional period of service which a teacher is to be treated under the foregoing subsection as having served shall be deemed to have been a continuous period ending immediately before the commencement of the teacher's actual service.

(3) A superannuation allowance shall not be granted by virtue of paragraph (d) of subsection (1) of section three of the principal Act to any teacher who is qualified for the grant of superannuation allowances by virtue of paragraph (a) or paragraph (b) or paragraph (c) of that subsection.

(4) Section four of the principal Act (which provides for the grant of short service gratuities to certain teachers who retire on grounds of infirmity) shall have effect in relation to a teacher retiring after the commencement of this Act as if for the words from "of an amount" to the end of the section there were substituted the words "not exceeding an amount calculated by reference to the whole period of his said service at the rate of one-twelfth of his average salary for a year of service".

15.—(1) Subject to the provisions of this section, the principal Acts shall have effect, as from such day as may be appointed by rules under this section, as if the expression "contributory service", as defined in section one of the Teachers (Superannuation) Act, 1945, included full-time service after that day as a teacher in any school which immediately before that day was an accepted school for the purposes of the Teachers Superannuation (Accepted Schools) Scheme, 1948.

Extension of
principal Acts
to teachers in
schools
accepted by
Minister.

(2) After the day appointed as aforesaid the Minister may accept for the purposes of this section, in accordance with such provisions as may be contained in rules under this section, any school in which service as a teacher is not contributory service for the purposes of the said Acts, and thereupon, as from the date of acceptance, the said Acts shall have effect as if the expression "contributory service" included service as a teacher in that school, and for the purposes of section three of the Teachers (Superannuation) Act, 1945, a teacher employed in that school on the date of acceptance shall be deemed to become employed in contributory service on that date.

(3) The Minister may make rules for any of the following purposes, that is to say:—

(a) for treating, for such purposes and subject to such exceptions and conditions as may be specified in the rules, service as a teacher before the day appointed

PART I
—cont.

as aforesaid, being service which at the material time was contributory service under the Teachers Superannuation (Accepted Schools) Scheme, 1948, as if it had been contributory service for the purposes of the said Acts ;

- (b) for including in the teachers' superannuation account revenue and expenditure which immediately before the day appointed as aforesaid was included in the account kept under clause 11 of the said Scheme ;
- (c) for excepting from the provisions of this section—
 - (i) persons who immediately before the day appointed as aforesaid were excepted from the provisions of the said Scheme ;
 - (ii) persons not so excepted who elect, in accordance with the rules, to be excepted from the provisions of this section ; and
 - (iii) any person who for the time being is or is required by the rules to be treated as the proprietor of a school to which this section applies ;
- (d) for empowering the Minister to direct, on such grounds as may be specified in the rules, that the provisions of this section and of any rules made thereunder shall cease to apply to any school specified in the direction, but without prejudice to its subsequent acceptance for the purposes of this section ; and
- (e) for any transitional, incidental or supplementary matters for which the Minister thinks it necessary or expedient to provide.

(4) In this section " school " includes any place of education ; and references in this section to the Teachers Superannuation (Accepted Schools) Scheme, 1948, are references to that scheme as amended by the Teachers Superannuation (Accepted Schools) Amending Scheme, 1954.

Recognition of
teachers in
respect of
service before
Act of 1945

16.—(1) If it appears to the Minister that any teacher would, in relation to any period of his service before the commencement of the Teachers (Superannuation) Act, 1945, have been recognised under the regulations of the Board of Education for the time being in force for public elementary schools as a certificated teacher or an uncertificated teacher or a teacher of a special subject, if anything required to be done for the purpose of obtaining such recognition had been duly done, the Minister may direct that the teacher shall be treated, in relation to that period of service, as if he had been so recognised, and the principal Acts shall have effect accordingly.

(2) Without prejudice to the generality of the foregoing subsection, any sums payable by way of contributions in respect

of the period of service to which such a direction relates, and any amounts or additional amounts payable by virtue of the direction in respect of any superannuation allowance or gratuity which fell due or would (if the teacher had been then recognised as aforesaid) have fallen due before the direction was given, shall be paid.

PART I
—con.

(3) Any sums which are payable by virtue of the last foregoing subsection and would, if the teacher in question had been recognised as mentioned in subsection (1) of this section, have been paid by an authority whose liabilities in respect of functions relating to education were transferred by virtue of the Education Act, 1944, to the council of a county, shall be paid by that council.

17. In paragraph (a) of subsection (1) of section two of the Teachers (Superannuation) Act, 1937 (which provides for payment of contributions by teachers whose contributory service is discontinued during employment in teaching service outside the United Kingdom for a period not exceeding five years or such longer period as the Minister may direct in the special circumstances of a particular case), the words "the special circumstances of" shall be omitted, and after sub-paragraph (iii) there shall be inserted the following sub-paragraph—

Amendment
of Teachers
(Superannua-
tion) Act,
1937, s. 2.

" (iv) as a teacher in any school maintained within the United Kingdom by the Government of any part of Her Majesty's dominions outside the United Kingdom ; or "

18.—(1) Where any person, not having previously been employed in contributory service, becomes employed as a teacher in any school to which this section applies, or is so employed in such a school at the commencement of this Act, the Minister may, upon application made in the prescribed manner, give directions authorising the payment of contributions in respect of his employment in that school during any period not exceeding five years, or not exceeding such longer period as the Minister may in a particular case direct, from such date as may be specified in the directions.

Further
provisions as
to service in
schools
abroad.

(2) The amount of the contributions payable under this section in the case of a teacher shall be equal to the sum of the contributions which would be payable under section nine of the principal Act by the teacher and his employer if the teacher were for the time being employed in contributory service at his notional salary as defined by this section ; and such contributions shall be paid to the Minister at such times as the Minister may direct, and may be paid either by the teacher or by the person by whom he is employed in the school to which this section applies or as to part by the teacher and the remainder by that person.

PART I
—cont.

(3) If within two years after the expiration of the period for which contributions have been duly paid in accordance with this section in respect of a teacher, or within such longer period as the Minister may in any particular case allow, the teacher becomes employed in contributory service, or in such service in Scotland as is mentioned in paragraph (a) of subsection (1) of section thirteen of the principal Act, the period for which those contributions were paid shall be treated for the purposes of the principal Acts, as a period during which he was employed in contributory service.

(4) In any case to which subsection (3) of this section does not apply, an amount equal to so much of the contributions paid under this section in respect of the employment of a teacher as represents contributions which would have been payable by the teacher under section nine of the principal Act if he had been employed in contributory service shall be repaid to him or, as the case may be, to his legal personal representatives, together with compound interest (calculated with yearly rests at the rate of three per cent. per annum) from the prescribed date.

(5) The Minister may, with the consent of the Treasury, make rules—

(a) for applying in relation to contributions payable by virtue of this section, subject to such modifications as may be specified in the rules, any provisions of the principal Acts, or of rules made under section seventeen of the principal Act, being provisions which relate to the payment of contributions under Part II of the principal Act otherwise than by deduction from salary or to the repayment to teachers or their legal personal representatives of contributions under the said Part II; and

(b) for prescribing anything which is required by this section to be prescribed.

(6) This section applies to any school outside the United Kingdom, the Isle of Man and the Channel Islands, being a school which is shown to the satisfaction of the Minister to be one in which it is expedient to facilitate the employment of teachers from Great Britain; and for the purposes of subsection (2) of this section the expression “notional salary”, in relation to a teacher, means the salary which in the opinion of the Minister he would for the time being receive if employed upon the terms of the reports of the Burnham Committees for the time being in force under section eighty-nine of the Education Act, 1944.

19.—(1) If the Minister is satisfied, on application made to him within such time and in such manner as may be prescribed by rules under this section by a teacher employed in contributory service—

- (a) that the teacher, when first so employed, was between such ages as may be so prescribed ; and
- (b) that before he was first so employed the teacher was engaged in other employment providing experience of value to him as a teacher,

PART I
—cont.
Further provision as to employment of value to teachers.

the Minister may direct that, subject to the payment by the teacher of additional contributions in accordance with this section, any period of that other employment, not exceeding five years, shall be treated for the purpose of calculating the amount of any allowance or gratuity payable to or in respect of the teacher under the principal Act as if it were a period of contributory service.

(2) The additional contributions to be paid by a teacher in respect of whom directions are given under this section shall be of such amount, and shall be payable at such times in such manner, as may be prescribed by rules under this section ; and the amount so prescribed in relation to teachers of any class shall be such as appears to the Minister, according to tables to be prepared from time to time by the Government Actuary, to be sufficient to support the increase attributable to this section in the amount of any allowances or gratuities payable to them under the principal Act.

(3) The Minister may, with the consent of the Treasury, make rules for prescribing anything to be prescribed by rules under this section ; and such rules may apply in relation to the additional contributions payable under this section any provisions of the principal Act or of rules made thereunder with respect to contributions payable by teachers under that Act (including provisions with respect to the return of contributions to teachers who do not qualify for allowances or gratuities) subject to such modifications as may be prescribed by the rules.

(4) Nothing in this section shall be construed as authorising any period of employment to be treated as a period of contributory service for the purpose of determining whether a teacher is qualified for the grant of an allowance or gratuity under the principal Act.

(5) For the purposes of paragraph (b) of subsection (1) of this section the expression "employment" does not include service undertaken by virtue of an enlistment notice or a training notice served under Part I of the National Service Act, 1948, or work

PART I
—*cont.*

or training in pursuance of an order made or direction given under the said Part I in respect of a conditionally registered conscientious objector.

Duplicate pensions.

20. In subsection (1) of section seven of the principal Act (which enables the Minister to make deductions from the benefits awarded under Part II of that Act where the relevant service of a teacher is also reckoned for the purpose of any other pension or allowance payable to the teacher out of public moneys or under a pension scheme) the words “or under a pension scheme” are hereby repealed.

Intervals of payments of annuities and allowances.

21. Subsection (1) of section nine of the Elementary School Teachers (Superannuation) Act, 1898 (which provides that annuities and allowances under that Act shall be payable quarterly at such times and in such manner as the Treasury may fix), section seven of the School Teachers (Superannuation) Act, 1918 (which provides that annual superannuation allowances shall be payable quarterly as aforesaid) and the said section seven as incorporated in the First Schedule to the principal Act shall have effect as if the word “quarterly” were omitted.

Payment of deferred annuities under Elementary School Teachers (Superannuation) Act, 1898.

22. All deferred annuities payable at any time after the commencement of this Act under the Elementary School Teachers (Superannuation) Act, 1898, shall be paid by the Minister instead of by the National Debt Commissioners; and accordingly in subsection (3) of section twelve of the School Teachers (Superannuation) Act, 1918, for the words “by the National Debt Commissioners in such manner as the Treasury direct” there shall be substituted the words “by the Minister of Education”, and in subsection (4) of that section for the words “payment by the National Debt Commissioners” there shall be substituted the words “payment by the Minister of Education”.

Consequential and other provisions as to approved external service.

23. The provisions of the Second Schedule to this Act (being provisions consequential on the foregoing provisions of this Act or effecting minor amendments) shall have effect in relation to teachers who have been employed in approved external service as defined in subsection (1) of section thirteen of the principal Act, as well as in recognised or contributory service.

*Supplementary***Saving for National Insurance Act, 1946.**

24. The amendments made by this Part of this Act with respect to contributions and allowances under the principal Acts shall not affect the reductions made in those contributions and allowances by regulations made under subsection (4) of section sixty-nine of the National Insurance Act, 1946, and the power under that subsection to modify enactments shall extend to enactments contained in this Part of this Act.

PART I
—cont.

25. Any power to make rules under this Part of this Act shall be exercisable by statutory instrument ; and any statutory instrument containing such rules shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Application of
Statutory
Instruments
Act.

26.—(1) This Part of this Act (including the Schedules to this Act) shall extend to England and Wales only.

Extent and
interpretation
of Part I.

(2) In this Part of this Act (including the said Schedules)—

“ the Minister ” means the Minister of Education ;

“ the principal Act ” means the Teachers (Superannuation) Act, 1925 ;

“ the principal Acts ” means the Teachers (Superannuation) Acts, 1918 to 1946 ;

“ teacher ” includes any person to whom the principal Acts apply as if he were a teacher ;

“ the teachers’ superannuation account ” means the account required to be kept under section fifteen of the principal Act ;

and other expressions have the same meanings, and shall be construed in the same manner, as in the principal Act.

(3) References in this Part of this Act to any enactment shall be construed as references to that enactment as amended by any subsequent enactment including this Act.

PART II

PROVISIONS APPLYING TO SCOTLAND

27. The provisions of section eighty-one of the Education (Scotland) Act, 1946 (hereinafter referred to as the “ Act of 1946 ”), in so far as they relate to the dismissal of certificated teachers shall not apply to a teacher who has completed forty-five years of service or of service and second class service.

Dismissal of
teacher with
forty-five
years’ service.

28. A teacher who has elected under subsection (2) of section one hundred of the Act of 1946 that the Teachers Superannuation Scheme as modified by amendments taking effect on or after the first day of April, nineteen hundred and twenty-six, shall not apply to him, shall notwithstanding the said election, be entitled to elect that any provision included in the said Scheme by virtue of this Act shall apply to him.

Election by
teachers for
provisions of
the scheme.

29.—(1) For section one hundred and three of the Act of 1946 (which relates to contributions towards benefits under the Teachers Superannuation Scheme) there shall be substituted the following section :—

Contributions
towards
benefits under
Teachers
Superannuation
Scheme.

“ 103.—(1) In respect of every teacher employed in service the following contributions shall be paid in respect of any period after the commencement of the Teachers

PART II
—cont.

(Superannuation) Act, 1956, to the Secretary of State towards the cost of providing benefits under the Scheme, that is to say:—

- (a) an amount to be paid by the teacher equal to six per centum of his salary for the time being; and
- (b) an amount to be paid by the education authority, governing body or other body of managers by whom the teacher is employed, equal to six per centum of the salary for the time being of the teacher:

Provided that—

- (i) no contribution shall be payable in respect of a teacher after he has completed forty-five years of employment in service or in service and second class service for the purpose of calculating the amount of the annual allowance payable to him;
 - (ii) where a teacher suffers a reduction in his salary while continuing to be employed, or upon being re-employed, in service, or upon being employed in service after employment in second class service, the teacher may, with the approval of the Secretary of State, elect that for the purposes of this Act and of the Teachers Superannuation Scheme (hereinafter referred to as “the Scheme”) his salary during any period while he is employed in service (not having withdrawn his election by a notice in writing given to the Secretary of State) shall be taken to be the salary at which he was last employed before the reduction or at which he is for the time being employed, whichever is the higher; and
 - (iii) where a teacher by reason of sickness is receiving part only of his salary, the amount of any contribution payable in respect of him shall be calculated as if that part were his salary, or, during any period to which the last foregoing paragraph of this proviso applies, as if he were receiving a proportionate part of the salary which is taken to be his salary by virtue of the said paragraph.
- (2) Where the Government Actuary’s report of any inquiry made under subsection (4) of section one hundred and six of this Act specifies in accordance with the provisions of subsection (5) of the said section a rate at which further contributions supplementary to those payable under the last foregoing subsection are required, the contributions to be paid by the employer under the last foregoing subsection in respect of any period after the expiration of the accounting period in which the report is made, and before the expiration of the accounting period in which the next

subsequent report is made in pursuance of subsection (4) of the said section, shall include supplementary contributions calculated in relation to the salary for the time being of the teacher at the rate specified in the certificate.

(3) Where the teacher is one to whom modifications of the Scheme, made by regulations under subsection (4) of section sixty-nine of the National Insurance Act, 1946, apply, the amounts payable by the teacher and by his employer under subsection (1) of this section after the date on which the said modifications first applied to the teacher shall, unless the Scheme otherwise requires, each be reduced by an amount calculated at the rate of two pounds eight shillings a year in the case of contributions in respect of a teacher who is a man and at the rate of two pounds nineteen shillings a year in the case of contributions in respect of a teacher who is a woman.

(4) The payments due under this section shall be collected by the Secretary of State from the education authority, governing body or other body of managers either directly or by deduction from any grants that may accrue under any regulations or code made by the Secretary of State, and it shall be lawful for each education authority, governing body or other body of managers to deduct six per centum from the salary of every teacher in their employment in respect of whom payments are due under this section :

Provided that, where any payment due by a teacher has not been so deducted and collected, the same (together with compound interest thereon from the date when the payment became due, calculated at four per centum per annum with yearly rests) shall be recoverable by the Secretary of State either directly from the teacher or by deduction from any sum payable to him or to his personal representatives under the Scheme.

(5) For the purposes of this section the salary of a teacher shall be calculated in accordance with the Scheme or rules made thereunder.”

(2) The power under subsection (4) of section sixty-nine of the National Insurance Act, 1946, to modify enactments shall extend to section one hundred and three of the Act of 1946 as amended by the last foregoing subsection.

30.—(1) For section one hundred and six of the Act of 1946 (which relates to the keeping of an account relating to the Teachers Superannuation Scheme and actuarial inquiries) there shall be substituted the following section :—

“ 106.—(1) There shall be kept in accordance with the directions contained in the Fourth Schedule to this Act an account (in this Part of this Act referred to as “ the teachers

Teachers
superannuation
account and
actuarial
inquiries.

PART II
—cont.

superannuation account”) in such form and prepared in such manner as may be determined by the Secretary of State, after consultation with the Treasury, of all revenue and expenditure under the Education (Scotland) (Superannuation) Acts, 1919 to 1939, and under this Part of this Act. There shall be included in the said revenue or expenditure any sums which are under the said Schedule to be deemed respectively to be revenue or expenditure and any amounts which for the purposes of any provisions relating to accounts and actuarial investigations contained in regulations made by the Secretary of State under subsection (1) of section sixty-six of the National Health Service (Scotland) Act, 1947, are treated as if they were payable by or to the Secretary of State.

(2) The Secretary of State shall cause an actuarial inquiry to be made by the Government Actuary at the end of the accounting period ending with the thirty-first day of March, nineteen hundred and fifty-six for the purpose of determining the amount to be added by virtue of the next following subsection to the revenue of the teachers superannuation account.

(3) There shall be added to the sums which under the said Fourth Schedule are to be treated as revenue of the teachers superannuation account for the accounting period ending on the thirty-first day of March, nineteen hundred and fifty-six such additional amount as may be certified by the Government Actuary to be the amount by which the value at that date of the expenditure attributable to service on or after the first day of June, nineteen hundred and twenty-two which will be required to be included in that account after that date in respect of teachers who then were, or had formerly been, employed in service exceeds the aggregate of—

(a) the value at the said thirty-first day of March of the contributions which (apart from the provisions of subsection (2) of section one hundred and three of this Act) will be payable after that date in respect of such teachers, and of the sums which will fall to be credited to the said account after that date in accordance with sub-paragraphs (c) and (e) of paragraph 2 of the said Fourth Schedule; and

(b) the balance of revenue over expenditure remaining in the said account at the end of the said period:

Provided that

(i) for the purpose of calculating the amount to be added as aforesaid the scales of remuneration of teachers shall be taken to be those in force on the thirty-first day of

March nineteen hundred and fifty-six with the addition of any increases thereof prescribed by regulations whereof a draft was published under section fifty-nine of this Act on the fourth day of January nineteen hundred and fifty-six ; and it shall be assumed that the policy of equating the salaries of men and women teachers by seven annual increases of women's salaries, the first of which was made in the salary year ending on the thirty-first day of March, nineteen hundred and fifty-six, will be implemented ; and

- (ii) the amount required to be added as aforesaid shall be disregarded for the purpose of estimating any sum representing interest which is to be included in the revenue for the said accounting period under subparagraph (c) of paragraph 2 of the said Fourth Schedule.

(4) The Secretary of State shall cause an actuarial inquiry to be made by the Government Actuary at the end of the accounting period ending on the thirty-first day of March, nineteen hundred and sixty-one and of every fifth subsequent accounting period for the purpose of determining whether, on the basis of the teachers superannuation account contributions payable under this Part of this Act are sufficient, or more than sufficient or less than sufficient, to support the expenditure required to be included in that account so far as attributable to service on or after the first day of June, nineteen hundred and twenty-two.

(5) If on the making of an inquiry in pursuance of the last foregoing subsection it appears that the value at the end of the period for which the inquiry is made of the expenditure attributable to service on or after the first day of June, nineteen hundred and twenty-two, required to be included in the teachers superannuation account after the end of that period in respect of teachers who then were, or had previously been, employed in service exceeds the aggregate of—

- (a) the value at the end of that period of the contributions payable after the end of that period in respect of such teachers and of the sums falling to be credited to the teachers superannuation account after the end of that period in accordance with subparagraphs (c) and (e) of paragraph 2 of the said Fourth Schedule ; and
- (b) the balance of revenue over expenditure remaining in the said account at the end of that period,
- the Government Actuary's report of the inquiry shall specify the rate per centum (being a rate of one quarter of

PART II
—*cont.*

one per centum or of a multiple of one quarter of one per centum) at which further contributions supplementary to those payable under subsection (1) of section one hundred and three of this Act are required in order to make good the deficiency by the expiration of the period of forty years beginning with the accounting period next after that in which the report by the Government Actuary is made.

(6) The Secretary of State shall cause a report of every inquiry under this section to be laid before both Houses of Parliament.”

(2) The requirement of the Secretary of State under subsection (2) of section one hundred and six of the Act of 1946 for the holding of an actuarial inquiry as at the thirty-first day of March, nineteen hundred and fifty-five as to the sufficiency of contributions to support the benefits payable in respect of service subsequent to the thirty-first day of May, nineteen hundred and twenty-two shall cease to have effect.

Payment of
deferred
annuities under
61 and 62 Vict.
c. 57.

31. For section one hundred and seven of the Act of 1946 (which relates to the payment of deferred annuities under the Elementary School Teachers (Superannuation) Act, 1898) the following section shall be substituted:—

“ 107. All deferred annuities payable at any time after the commencement of the Teachers (Superannuation) Act, 1956, in respect of Scottish contributions to the deferred annuity fund established under the Elementary School Teachers (Superannuation) Act, 1898, shall be paid by the Secretary of State ; and any sums required by the Secretary of State for making payments under this section shall be charged on and issued out of the consolidated fund.”

Interpretation
of Part IV of
Act of 1946.

32. Subsection (1) of section one hundred and eight of the Act of 1946 (which relates to the interpretation of Part IV of the Act of 1946) shall be amended:—

(1) by the substitution of the following definition for the definition of “ pensionable salary ” in relation to any annual allowance which begins to accrue or to any additional allowance or gratuity which becomes payable under the Teachers Superannuation Scheme after the commencement of the Teachers (Superannuation) Act, 1956 (not being a supplementary death gratuity payable in respect of any teacher who had retired before the commencement of the said Act):—

“ ‘ Pensionable salary ’ in relation to a teacher means the amount representing the average salary of the teacher during such number of years as may be prescribed, being years immediately before—

(a) the day on which he retired, or

- (b) if he served after completing forty-five years of service or of service and second class service for the purpose of calculating the amount of the annual allowance payable to him, the day upon which he completed the said forty-five years of service:

PART II
—cont.

Provided that—

(i) if under paragraph (ii) of the proviso to subsection (1) of section one hundred and three of this Act the contributions in respect of any teacher are during any part of the prescribed period calculated upon a higher salary than the salary he is actually receiving, the said higher salary shall as respects that part of the prescribed period be taken into account in calculating the average salary of the teacher; and

(ii) if during any part of the prescribed period a teacher by reason of sickness receives part only of his salary, the salary which he would but for the said reason have received shall as respects that part of the said period be taken into account in calculating the average salary of the teacher”; and

(2) by the insertion of the following definition after the definition of “prescribed” :—

“service” means first class service, and the expressions “first class service” and “second class service” have the meanings respectively assigned to them by the Superannuation Scheme for Teachers (Scotland), 1952.

33. Part I of the Third Schedule to the Act of 1946 (which Part relates to provisions to which the Teachers Superannuation Scheme shall give effect) shall be amended :— Amendment of Part I of the Third Schedule to the Act of 1946.

(1) by the substitution for sub-paragraph (1) of paragraph 2 in relation to any annual allowance which begins to accrue, or to any additional allowance which becomes payable, after the commencement of this Act of the following sub-paragraphs :—

“ (1) for the payment on retirement after attaining the prescribed age, or on retirement in case of permanent incapacity, of a retiring allowance which shall be—

(a) an annual allowance during life not exceeding an amount calculated by reference to the whole period of service of a teacher at the rate of one-eightieth of his pensionable salary for a year of service, and

PART II
—cont.

- (b) by way of additional allowance, a lump sum not exceeding an amount calculated by reference to the whole period of service of the teacher at the rate of three-eightieths of the pensionable salary of the teacher for a year of service :

Provided that—

- (i) a retiring allowance shall not be payable in respect of less than ten completed years of service or of service and second class service ; and
- (ii) a retiring allowance shall not be granted on grounds of permanent incapacity to a teacher who has qualified for a retiring allowance on grounds of age ; and
- (iii) the amount of the additional allowance in respect of the period before the commencement of the Teachers (Superannuation) Act, 1956, shall be calculated at the rate of one-thirtieth of the pensionable salary of the teacher for a year of service ;

(1A) for securing that the period of service or of service and second class service of which account may be taken shall not exceed forty-five years, of which, for the calculation of the annual allowance, not more than forty shall be years before the teacher attained the age of sixty years ; that where a teacher is granted a retiring allowance in case of permanent incapacity and has not completed twenty years of service or of service and second class service, his retiring allowance shall be calculated as it would have been if he had completed twenty years of service or such shorter period as he would have completed if he had continued to be employed in service until the prescribed age ; and for such consequential, transitional and other matters as appear to the Secretary of State to be necessary for the carrying out of the purposes of this sub-paragraph ” ;

(2) by the substitution for sub-paragraph (8) of the said paragraph of the following sub-paragraph :—

“ (8) for securing that, in such circumstances and subject to such conditions as to proof of good health and other matters as may be prescribed, a teacher who has attained the age of sixty years shall be allowed to surrender as from the date of commencement of an annual allowance granted or to be granted to him under the Teachers Superannuation Scheme such part not exceeding one third of the allowance as may be specified, in return for benefits to be prescribed, and for enabling

the Secretary of State to grant, in return for such surrender as aforesaid, according as the teacher may in conformity with rules under the Teachers Superannuation Scheme elect, either—

- (a) to the spouse or to a dependant of the teacher a pension payable in respect of the period, if any, for which the spouse or dependant survives the teacher ; or
- (b) to the teacher an annuity payable as from the date of commencement of the annual allowance in respect of the period of the joint lives of himself and his spouse and to the spouse a pension payable in respect of the period, if any, for which the spouse survives the teacher :

Provided that—

(i) for the purposes of this paragraph a teacher who dies in service after having surrendered part of the annual allowance to be awarded to him, shall be deemed to have been granted the annual allowance which would have been granted to him if he had retired on the day before his death ;

(ii) the amount of said pension or the amounts of the said annuity and pension, as the case may be, shall be such that the value or the aggregate value, shall be actuarially equivalent (according to tables to be prepared from time to time by the Government Actuary), at the date of the commencement of the annual allowance, to the value of that part of the allowance which is surrendered , and

(iii) in ascertaining for the purpose of the last foregoing sub-paragraph of this proviso the actuarial equivalent of the part of the annual allowance which is surrendered by the teacher before retirement, it shall be assumed that there has been no change in the teacher's state of health between the date on which he makes the surrender and the date as from which the annual allowance is awarded or deemed to be awarded ;” and

(3) by the substitution for sub-paragraph (10) of the said paragraph of the following sub-paragraphs :—

“ (10) for enabling a teacher whose service is discontinued—

- (a) for a period not exceeding five years, or not exceeding such longer period as the Secretary of

PART II
— cont.

State may in any case direct, in the case of a teacher who during that period is employed—

- (i) as a teacher in any part of Her Majesty's dominions outside the United Kingdom, or
 - (ii) as a teacher in any school in a foreign country which is shown to the satisfaction of the Secretary of State to be a school in which it is expedient to facilitate the employment of British teachers, or
 - (iii) in an educational service outside the United Kingdom in employment which to a substantial extent involves the control or supervision of teachers, or
 - (iv) as a teacher in any school maintained within the United Kingdom by the Government of any part of Her Majesty's Dominions outside the United Kingdom ; or
- (b) for such period not exceeding five years as the Secretary of State may approve for the purpose of enabling a teacher to gain special experience of value in teaching ; or
 - (c) for a period not exceeding one year in any other case,

to pay to the Secretary of State with his consent in respect of such part of the period as is before the commencement of the Teachers (Superannuation) Act, 1956, sums equal to ten per centum of his salary at the date of discontinuing service, and in respect of such part of the period as is after the commencement of the said Act sums equal to the aggregate of the contributions which would have been payable in respect of the said part of the said period of absence if the teacher had continued throughout that part to be employed in service at his salary as at the date of discontinuing service ; for enabling the said period to be reckoned as a period of service ; and for determining the amount of such payments which shall be reckoned as contributions by the teacher :

(11) for enabling the Secretary of State on the application of a teacher who entered service after gaining experience which, in the opinion of the Secretary of State, is or is likely to be of value to him as a teacher, to approve the said experience and to intimate to the teacher the period not exceeding five years which, in respect of the said experience may be deemed a period of service ; the purposes for which and the conditions (including payment of additional contributions) on which the said service may be recorded and, if the teacher intimates his

agreement and undertakes to fulfil the said conditions, for the said period to be deemed a period of service and to be recorded accordingly, and for such consequential and other matters as may appear to the Secretary of State to be necessary for the carrying out of this paragraph:

PART II
—*cont.*

Provided that a period during which the teacher was undergoing whole-time education or whole-time training for the teaching profession or apprenticeship to a profession or trade or was engaged in service by virtue of an enlistment notice or a training notice served under Part I of the National Service Act, 1948, or any work or training in pursuance of an order made or direction given under the said Part I in respect of a conditionally registered conscientious objector shall not be so approved."

34. Part II of the Third Schedule to the Act of 1946 (which Part relates to provisions to which the Teachers Superannuation Scheme may give effect) shall be amended:—

Amendment
of Part II of
the Third
Schedule to the
Act of 1946.

(1) by the insertion after paragraph 3 of the following paragraphs:—

" 3A. where any teacher holds a post of special responsibility within the meaning of the regulations for the time being in force made by the Secretary of State under section seventy-nine of the Act of 1946 (which relates to the salaries of teachers) and will not, on completion of forty-five years of service or of service and second class service, have attained the age for retirement prescribed under the last foregoing paragraph, for the teacher to be deemed to have offered to resign from the said post on the day on which he completes the said forty-five years, and for the retirement of the teacher from the said post on the said day if his resignation is accepted, so, however, that nothing in any provision included in the scheme under this paragraph shall prevent the employer from offering and the teacher from accepting appointment to another post:

3B. for the payment of pensions of such amounts, in such cases and subject to such conditions as may be prescribed, to and for the benefit of the widows or widowers and the children (including children over school age) or other dependants of teachers who die after such date as may be prescribed and who when they die are in receipt of or eligible for an annual allowance or are employed in service and are in such circumstances that, if they had not died, they could have established a claim to an annual allowance on the grounds of infirmity, or, having been employed for not less than ten years in service or in service and second class service, die within

PART II
—cont.

such period after ceasing to be so employed as may be prescribed ; for the application of such provisions in so far as they relate to pensions for widows, widowers and children, irrespective of election, to male teachers or to both male and female teachers who enter service or second class service on or after such date as may be prescribed, and to such male and female teachers to whom such provisions so relating do not apply as may elect that such provisions so relating shall apply to them or as do not elect that such provisions shall not apply to them ; for the application of such provisions in so far as they relate to pensions for dependants to such male and female teachers as may elect that such provisions so relating shall apply to them or as do not elect that such provisions shall not apply to them ; for the surrender or repayment in exchange for the said pensions of so much of the lump sums or death gratuities payable or paid, or of contributions returnable or returned, to or in respect of the said teachers as may be prescribed as being sufficient in the opinion of the Secretary of State to support the said pensions ; and for such consequential and other matters as may appear to the Secretary of State to be necessary for the carrying out of the purposes of this paragraph :

Provided that the power to include in the Teachers Superannuation Scheme provisions for the purposes of this paragraph shall not be exercised except with the approval of the Treasury and after consultation with representatives of education authorities and of teachers ;

3C. for enabling a teacher to whom a retiring allowance is awarded to surrender, subject to such conditions as may be prescribed, the lump sum, or so much thereof as remains after a surrender under the last foregoing paragraph, in exchange for an additional annual allowance which shall be actuarially equivalent to the value of the lump sum surrendered under this paragraph ; and for such consequential and other matters (including the adaptation of enactments) as may appear to the Secretary of State to be necessary for the carrying out of the purposes of this paragraph ; ” ; and

(2) by the deletion of paragraph 9 and the insertion of the following paragraph :—

“ 9A. where the part of the salary of a teacher which has vested in him in respect of a day of service after the thirty-first day of March, nineteen hundred and fifty-two, is greater than one three-hundred-and-sixty-fifth part of the annual rate of his salary on that day, for that day to be reckoned in the calculation of the length of service

of the teacher as a day and such fraction of a day as the Secretary of State may determine :

PART II
—cont.

Provided that the teacher shall not be credited in any year beginning on the first day of April with a greater number of days of service than there are days in that year ; ”.

35. Part III of the Third Schedule to the Act of 1946 (which provides for the incorporation of certain articles in the Teachers Superannuation Scheme) shall be amended by the deletion of paragraph 1. Amendment of Part III of the Third Schedule to the Act of 1946.

36. Paragraph 2 of the Fourth Schedule to the Act of 1946 (which relates to amounts to be treated as having been paid into the revenue of the teachers superannuation account shall be amended by the substitution of the following sub-paragraph for sub-paragraph (a) Amendment of Fourth Schedule to the Act of 1946.

“ (a) by teachers the amount of teachers’ contributions attributable to the period, and by the education authorities, governing bodies or other bodies of managers by whom such teachers are employed the amount of the employers’ contributions attributable to the period, including any supplementary contributions ”.

37. Where, under section three of the Education (Scotland) (War Service Superannuation) Act, 1939, contributions in respect of the whole or part of the period of war service of a person who was, or was deemed to be, a teacher are recoverable by the Secretary of State either directly from him or by deduction from any sum payable to him or to his personal representatives, and where the whole or any part of the said contributions have not been recovered before the commencement of this Act, it shall be lawful for the Secretary of State, on an application by the said person made within twelve months from the commencement of this Act or within such longer period as the Secretary of State may allow in any particular case, to direct that the unrecovered contributions and any interest due thereon shall not be recovered and to delete from the record of service of the said person the period of war service in respect of which the said contributions were payable, and the said person and his personal representatives shall thereupon cease to be liable for the said contributions and interest and shall not be entitled to any benefit under the Teachers Superannuation Scheme in respect of the said period of war service. Amendment of the Education (Scotland) (War Service Superannuation) Act, 1939.

38.—(1) This Part of this Act shall extend to Scotland only. Extent and interpretation of Part II.
(2) References in this Part of this Act to any enactment shall be construed as references to that enactment as amended by any subsequent enactment including this Act.

PART III

GENERAL

Expenses and
payments into
Exchequer.

39.—(1) There shall be defrayed out of moneys provided by Parliament—

- (a) any sums required for the payment of pensions in pursuance of rules made under section eight of this Act ;
- (b) any sums required for the repayment of contributions paid under section eighteen of this Act ;
- (c) any increase attributable to the provisions of this Act in the sums payable out of moneys provided by Parliament under any other enactment.

(2) There shall be paid into the Exchequer—

- (a) any sums received by the Minister by way of refund of allowances in pursuance of rules made under the said section eight ;
- (b) any sums received by the Minister in respect of contributions under the said section eighteen ;
- (c) any increase attributable to the provisions of this Act in the sums payable into the Exchequer under any other enactment.

Functions of
Government
Actuary.

40. Any functions of the Government Actuary under this Act, the Teachers (Superannuation) Acts, 1918 to 1946, or the Education (Scotland) Acts, 1939 to 1956, may be performed by the Deputy Government Actuary.

Short title,
citation, com-
mencement
and extent.

41.—(1) This Act may be cited as the Teachers (Superannuation) Act, 1956.

(2) This Act, except so far as it relates to Scotland, may be cited together with the Teachers (Superannuation) Acts, 1918 to 1946, as the Teachers (Superannuation) Acts, 1918 to 1956.

(3) This Act, so far as it relates to Scotland, shall be included among those Acts which may be cited as the Education (Scotland) Acts, 1939 to 1956, and shall be construed as one with those Acts.

(4) Without prejudice to the retrospective effect of any provision of this Act, this Act shall come into operation on the first day of October, nineteen hundred and fifty-six.

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

SCHEDULES

FIRST SCHEDULE

Section 10.

MODIFICATION OF ENACTMENTS IN RELATION TO TEACHERS
ELECTING UNDER S. 10 OF THIS ACT

<i>Enactment to be modified</i>	<i>Modification</i>
The School Teachers (Superannuation) Act, 1918.	
Section three	The question whether any, and if so what, amount is payable by way of supplementary death gratuity under subsection (2) of this section shall be determined as if the teacher had not made the election and all relevant payments had been paid accordingly in his case.
Section five	Subsection (4) of this section shall apply to so much only of the annual allowance as would have been payable apart from the election.
The Teachers (Superannuation) Act, 1925.	
Section five	The question whether any, and if so what, amount is payable by way of gratuity under subsection (1) or subsection (2) of this section shall be determined as if the teacher had not made the election and all relevant payments had been made accordingly in his case.
Sections six and eight...	In these sections references to the determination, suspension or restoration of an annual allowance shall be construed as referring to so much only of the allowance as would be payable apart from the election.
Section twelve...	The balance of the teacher's contributions shall be ascertained under paragraph (a) of subsection (5) of this section as if he had not made the election and all relevant payments had been made accordingly in his case.
Section fourteen	The amount of any payments which may be made by the teacher's employer under paragraph (a) or paragraph (b) of subsection (3) of this section shall be calculated as if the teacher had not made the election and all relevant payments had been made accordingly in his case.

P

1ST SCH.
—cont.

Enactment to be modified
The Local Government
Act, 1929.

Section one hundred
and twenty-four.

Modification
The amount of any sum falling to be paid by the relevant council under paragraph (c) of subsection (5) of this section shall be calculated as if the teacher had not made the election and all relevant payments had been made accordingly in his case.

The Teachers (Super-
annuation) Act,
1937.

Section one

The reference in this section to the annual allowance, part of which may be surrendered under the section, shall be construed as referring to so much only of the allowance as would be payable apart from the election.

The Local Government
Superannuation
Act, 1937.

Section seventeen ...

In determining the extent to which an amount receivable by the teacher in any year in respect of a superannuation allowance under Part I of the Act is to be reduced by virtue of subsection (1) of this section—

(a) no regard shall be had to any part of the teacher's annual allowance under the Teachers (Superannuation) Acts, 1918 to 1956, which is attributable to the election; and

(b) the teacher shall be treated for the purpose of paragraph (b) of the proviso to the said subsection, and the necessary computation shall be made under this paragraph, as if the teacher had not made the election and all relevant payments had been made accordingly in his case.

The Pensions (Increase)
Act, 1944.

Paragraphs 2 and 3 of
the Second Schedule

References in these paragraphs to the pension shall be construed as referring to so much only of the pension as would have been payable apart from the election.

The Pensions (Increase)
Act, 1952.

Paragraph 2 of the
Second Schedule ...

The reference in this paragraph to the annual rate of the pension shall be construed as referring to so much only of the pension as would have been payable apart from the election.

*Enactment to be modified**Modification*1ST SCH.
—cont.The Pensions (Increase)
Act, 1956.

Section eleven

- .. In the definition of “ basic rate ”, the reference to the annual rate of the pension shall be construed as referring to so much only of the pension as would have been payable apart from the election.

SECOND SCHEDULE

Section 23

PROVISIONS AS TO APPROVED EXTERNAL SERVICE

1. Where a teacher has been employed in approved external service as defined in subsection (1) of section thirteen of the principal Act (hereafter in this Schedule referred to as “ approved external service ”) being service of the kind described in paragraph (a) or paragraph (b) of subsection (1) of that section, as well as in recognised or contributory service, and a pension is payable to the teacher in respect of the approved external service otherwise than under the provisions of the principal Act, then:—

- (a) if the aggregate of his recognised or contributory service and such approved external service, so far as it is served before he has attained the age of sixty years (hereinafter referred to as his aggregate service under sixty) exceeds forty years, there shall, for the purpose of calculating the amount of any annual allowance or additional allowance payable to the teacher under Part II of the principal Act, be deducted from his contributory or recognised service—
- (i) in a case where the whole of such approved external service is of the kind described in the said paragraph (a), such proportion of the said excess as is equal to the proportion of his aggregate service under sixty which is contributory or recognised service;
 - (ii) in a case where the whole of such approved external service is of the kind referred to in the said paragraph (b), a period equal to the said excess;
 - (iii) in a case where such approved external service is partly of the kind described in the said paragraph (a) and partly of the kind described in the said paragraph (b), the same proportion of the excess as the teacher's recognised or contributory service bears to the aggregate of that service and his service of the kind described in the said paragraph (a);
- (b) if the aggregate of his recognised or contributory service and such approved external service, whenever served (hereafter in this Schedule referred to as his aggregate service), after making any deduction required to be made under paragraph (a) hereof and also any deduction required to be made in respect of the approved external service under any provision relating to such service which corresponds with paragraph (a) hereof, exceeds forty-five years, there shall, for the purpose of calculating the amount of any such annual allowance or

2ND SCH.
—cont.

additional allowance as aforesaid, be deducted from his contributory or recognised service—

(i) in a case where the whole of such approved external service is of the kind described in paragraph (a) of subsection (1) of section thirteen of the principal Act, such proportion of the said excess as is equal to the proportion of his aggregate service which is contributory or recognised service;

(ii) in a case where the whole of such approved external service is of the kind referred to in paragraph (b) of the said subsection, a period equal to the said excess;

(iii) in a case where such approved external service is partly of the kind described in the said paragraph (a) and partly of the kind described in the said paragraph (b), the same proportion of the said excess as the teacher's recognised or contributory service bears to the aggregate of that service and his service of the kind described in the said paragraph (a).

2. In relation to an additional allowance payable to a teacher whose aggregate service falls partly before and partly after the commencement of this Act, the foregoing paragraph of this Schedule shall have effect as if for the reference to forty years there were substituted a reference to the period which, if the whole of the teacher's aggregate service were contributory service, would produce the highest additional allowance authorised, in respect of his service before attaining the age of sixty years, by subsection (2) of section five of this Act.

3. Paragraphs (d) and (e) of subsection (2) of section thirteen of the principal Act are hereby repealed; and without prejudice to the provisions of section thirty-eight of the Interpretation Act, 1889 (which relates to the effect of repeals) the principal Act shall have effect as if the foregoing provisions of this Schedule were substituted therein for the said paragraphs (d) and (e).

4. In any case where paragraph 1 of this Schedule applies, the proviso to subsection (1) of section five of this Act and paragraph (b) of subsection (2) of that section shall not apply, and the reference in paragraph (a) of the last mentioned subsection to any period of service to be disregarded shall be construed as a reference to any period of service to be deducted under paragraph 1 or paragraph 2 of this Schedule.

5. In subsection (3) of section six of this Act the reference to service of which account can be taken for the purposes of paragraph (a) of subsection (1) of section five of this Act shall be construed as including a reference to approved external service of which account can be taken for the purpose of calculating any allowance payable in respect of that service under any provision corresponding with the said paragraph (a).

6. Paragraph (f) of subsection (2) of section thirteen of the principal Act (which provides that allowances and gratuities shall, in the case of a teacher employed in approved external service as well as in recognised or contributory service, be calculated by reference to the period of recognised or contributory service actually served and not by reference to the completed years of that service) is hereby repealed.

7. Notwithstanding anything in paragraph (g) of subsection (2) of the said section thirteen (which provides for the treatment of periods of approved external service as if it were recognised or contributory service) section fourteen of this Act shall not apply to any teacher who has been employed in approved external service as well as in recognised or contributory service unless he was last employed in contributory service; and in the case of any such teacher to whom the said section fourteen applies, there shall be deducted from the additional period of service which the teacher is to be treated under that section as having completed—

2ND SCH.
—cont.

- (a) any period of approved external service consisting wholly of service of a kind described in paragraph (a) of subsection (1) of the said section thirteen;
- (b) where the period of recognised or contributory service of the teacher and the period of any such approved external service as aforesaid together amount to less than ten years, so much of any period of approved external service, not being such service as aforesaid, as is equal to the difference.

Table of Statutes referred to in this Act

Short title	Session and Chapter
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Elementary School Teachers (Superannuation) Act, 1898	61 & 62 Vict. c. 57.
School Teachers (Superannuation) Act, 1918	8 & 9 Geo. 5. c. 55.
Teachers (Superannuation) Act, 1925	15 & 16 Geo. 5. c. 59.
Local Government Act, 1929	19 & 20 Geo. 5. c. 17.
Teachers (Superannuation) Act, 1937	1 Edw. 8 & 1 Geo. 6. c. 47.
Local Government Superannuation Act, 1937	1 Edw. 8 & 1 Geo. 6. c. 68.
Education (Scotland) (War Service Superannuation) Act, 1939	2 & 3 Geo. 6. c. 96.
Pensions (Increase) Act, 1944	7 & 8 Geo. 6. c. 21.
Education Act, 1944	7 & 8 Geo. 6. c. 31.
Teachers (Superannuation) Act, 1945	8 & 9 Geo. 6. c. 14.
National Insurance Act, 1946	9 & 10 Geo. 6. c. 67.
Education (Scotland) Act, 1946	9 & 10 Geo. 6. c. 72.
National Health Service (Scotland) Act, 1947	10 & 11 Geo. 6. c. 27.
National Service Act, 1948	11 & 12 Geo. 6. c. 64.
Pensions (Increase) Act, 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 45.
Pensions (Increase) Act, 1956	4 & 5 Eliz. 2. c. 39.

CHAPTER 54*Finance Act, 1956*

ARRANGEMENT OF SECTIONS

PART I

CUSTOMS, EXCISE AND PURCHASE TAX

Customs and excise

Section

1. Tobacco.
2. Excise duty on strengthened cider and perry.
3. Retail sales of small quantities of wines and spirits.
4. Customs preference on Empire goods consigned from Beira or Lourenço Marques.
5. Amendment of Vehicles (Excise) Act, 1949.
6. Exemption from customs duties of films produced by the United Nations.

Purchase tax

7. Charge of purchase tax on conversion of goods vehicle to passenger vehicle or the like.

PART II

INCOME TAX (CHARGE OF TAX, AND GENERAL)

8. Charge of income tax for 1956-57.
9. Relief from income tax on certain savings bank interest.
10. Offices and employments.
11. Residence of persons working abroad.
12. Relief from tax on delayed remittances of overseas income.
13. Relief for contributions to House of Commons Members' Fund.
14. Victoria Cross.
15. Suspension of investment allowances (with certain exceptions).
16. Capital allowances for industrial buildings (expenditure on cutting, tunnelling, etc.).
17. Capital allowances for expenditure on dredging.
18. Further continuation of mills, factories allowances.
19. Relief from surtax for estate duty on accrued income.
20. Power to obtain information as to fees, commissions, etc.
21. Place of assessment under Schedule D.

PART III

INCOME TAX (RETIREMENT AND OTHER ANNUITIES)

Retirement annuities and related matters

22. Retirement annuities (relief for premiums, and earned income relief).
23. Nature and amount of relief for qualifying premiums.
24. Taxation of assurance companies doing annuity business.
25. Application to new exemptions of Finance (No. 2) Act, 1955, s. 4.
26. Amendments as to friendly societies and trade unions.

Annuities other than retirement annuities

27. Purchased life annuities, other than retirement annuities.

Supplementary

28. Procedure.

PART IV

THE PROFITS TAX

Section

29. Increase of profits tax.
30. Groups of companies.
31. Extent to which sums applied in reducing share capital etc. are to be treated as distributions.

PART V

DEATH DUTIES

32. Settled property charged with annuity.
33. Relief in cases of compulsory purchase.
34. Acceptance of works of art in satisfaction of death duties, and amendment as to exemption.
35. Aggregation of certain annuity contracts, etc.
36. Settled property passing on death of husband and wife.

PART VI

STAMP DUTIES

37. Conveyances on sale.
38. Annuity contracts and life insurance policies.
39. Composition for duty on cheques, etc.

PART VII

MISCELLANEOUS

40. Indian, Pakistan and colonial pensions (income tax and estate duty).
41. Interests in unadministered estates (income tax and estate duty).
42. Exchequer advances to nationalised industries and undertakings.
43. Amendment of National Loans Act, 1939.
44. Short title, etc.

SCHEDULES:

First Schedule—Tobacco (rates of duty and drawback).

Second Schedule—Offices and employments (provisions applicable to Cases I, II and III of Schedule E).

Third Schedule—Retirement Annuities (adjustments of limit on qualifying premiums).

Fourth Schedule—Profits tax (provisions consequential on change of rate of tax or of relief for non-distribution).

Fifth Schedule—Repeals.

An Act to grant certain duties, to alter other duties, and to amend the law relating to the National Debt and the Public Revenue, to authorise advances out of the Consolidated Fund to nationalised industries and undertakings, and to make further provision in connection with Finance. [2nd August, 1956]

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

CUSTOMS, EXCISE AND PURCHASE TAX

Customs and excise

Tobacco.

1.—(1) Section three of the Finance Act, 1947 (which imposes duties of customs and excise on tobacco) shall have effect as if Parts I and II of the First Schedule to this Act were respectively substituted for Parts I and II of the First Schedule to that Act.

(2) In the case of tobacco in respect of which it is shown to the satisfaction of the Commissioners that the increased duty chargeable by virtue of the preceding subsection has been paid, the provisions of the said section three relating to drawback shall have effect as if Part III of the First Schedule to this Act were substituted for Part III of the First Schedule to that Act.

(3) The preceding provisions of this section shall be deemed to have come into force on the eighteenth day of April, nineteen hundred and fifty-six.

Excise duty on strengthened cider and perry.

2.—(1) Any intoxicating liquor which, if of lower strength, would be cider within the meaning of the excise Acts (which includes perry) shall, if of fifteen degrees of proof or greater strength, be deemed for the purposes of those Acts to be sweets and not cider, unless it has undergone no other process than a single process of fermentation, was made from apple or pear juice which at the beginning of that process was in its natural state, and contains no ethyl alcohol derived from other materials.

(2) This section shall be deemed to have come into force on the eighteenth day of April, nineteen hundred and fifty-six, except that an excise licence shall not be deemed to have been required before the twenty-fifth day of April, nineteen hundred and fifty-six, for the making for sale or rendering sparkling of

PART I
—cont.

any sweets which but for this section would have been cider, nor before the eighteenth day of July, nineteen hundred and fifty-six, for the dealing wholesale by any person in any such sweets which he or a predecessor in his business had ordered before the said eighteenth day of April.

(3) For the purposes of subsection (3) of section one hundred and forty-six of the Customs and Excise Act, 1952 (which enables a licensed manufacturer of intoxicating liquor to deal in his produce at or from his premises without a dealer's licence), any sweets made before the said twenty-fifth day of April which but for this section would have been cider shall be deemed to be the produce of a licensed manufacturer if the person by whom they were made or a person succeeding him in his business obtained a licence under section one hundred and thirty-nine of that Act on or before that day.

(4) In so far as this section restricts the class of intoxicating liquor to which any retailer's on-licence or retailer's off-licence extends it shall not have effect before the first day of June, nineteen hundred and fifty-seven.

(5) The application of this section to Northern Ireland shall not be restricted by the provisions of subsection (8) of section forty-four of this Act.

3. In subsection (6) of section one hundred and forty-nine of the Customs and Excise Act, 1952 (which relates to retailers' licences for the sale of intoxicating liquors), paragraphs (c) and (d) and the proviso thereto shall no longer have effect.

Retail sales of small quantities of wines and spirits.

4. The following subsection shall be substituted for subsection (6) of section two of the Ottawa Agreements Act, 1932 (which extends Empire preference to goods of Rhodesia and Nyasaland consigned from Beira),—

Customs preference on Empire goods consigned from Beira or Lourenço Marques.

“(6) Goods shown to the satisfaction of the Commissioners to have been consigned from the port of Beira or Lourenço Marques in Portuguese East Africa and to have been grown, produced or manufactured in the Federation of Rhodesia and Nyasaland or in the Bechuanaland protectorate, or to have been consigned from the port of Lourenço Marques and to have been grown, produced or manufactured in the Union of South Africa or in Swaziland, shall be treated for the purposes of this section and of section five of the Import Duties Act, 1932, as if they had been consigned from a part of the British Empire.”

5.—(1) The Vehicles (Excise) Act, 1949 (in this section referred to as “the Act of 1949”) shall be amended in accordance with the following provisions of this section; but subsections (2) and (3) of this section shall not come into force until the first day of January, nineteen hundred and fifty-seven.

Amendment of Vehicles (Excise) Act, 1949.

PART I
—*cont.*

(2) In the definition of “tower wagon” in subsection (1) of section twenty-seven of the Act of 1949, paragraph (a) (which restricts that definition to vehicles used for the purposes of electricity or gas undertakings or electric transport undertakings) shall be omitted.

(3) A mobile concrete mixer which, but for its conveyance of the materials used by it in mixing concrete, would be chargeable with duty as provided by subsection (3) of section five of the Act of 1949 (under which a built-in machine or contrivance is treated as burden and not as part of the weight unladen of the vehicle conveying it if that vehicle is used for conveying no other load than articles used in connection with the machine or contrivance) shall be chargeable with duty as a goods vehicle under that section as if so much of the weight of its built-in machine or contrivance as exceeds thirty hundredweight were burden and were not to be included in the weight unladen of the vehicle for the purpose of computing the amount of the duty.

(4) The power to make an order under section eleven of the Act of 1949 (which enables the Minister of Transport and Civil Aviation by order to prescribe periods of less than a year for which vehicle licences may be taken out on payment of duty at reduced rates) shall include power to vary or revoke an order under that section; and any such order may prescribe different periods and rates for vehicles of different descriptions.

(5) In relation to offences under the Act of 1949 section two hundred and eighty-one and subsection (1) of section two hundred and eighty-three of the Customs and Excise Act, 1952 (which respectively relate to the person by whom and the time within which proceedings may be instituted), shall not apply either as enacted or as applied by subsection (2) of section eight of the Act of 1949; but proceedings may be instituted by any local authority and, in the case of an offence under section thirteen or subsection (1) of section fifteen of that Act (which relate to the use of vehicles without a licence or proper licence),—

- (a) no proceedings shall be instituted except by a local authority or by a constable with the consent of a local authority (which may be given on their behalf by a duly authorised officer of theirs and proved by the production of a document purporting to be the consent so given and to be signed by the officer giving it); and
- (b) proceedings may be instituted at any time within three years from the date on which the offence was committed.

In this subsection “local authority” means the council of a county or county borough.

(6) The last foregoing subsection shall not apply to Scotland, but section eight of the Act of 1949 shall have effect in Scotland as if after subsection (6) thereof there were inserted the following subsection—

PART I
—cont.

“(7) The powers referred to in subsection (2) of this section in its application to Scotland shall be deemed to include a power to institute proceedings otherwise than on indictment for any offence under section thirteen or subsection (1) of section fifteen of this Act (which relate to the use of vehicles without a licence or proper licence), and any such proceedings may be instituted at any time within three years from the date on which the offence was committed; but save as aforesaid nothing in this section shall be construed as empowering a council to institute any proceedings.”

6. If the importer of any goods, being films, film-strips, micro-films or sound recordings produced by the United Nations or one of its specialised agencies, makes an application in that behalf to the Commissioners of Customs and Excise before delivery of the goods from customs charge, the Commissioners on being furnished by the importer with a certificate issued by the United Nations or one of those agencies to the effect that the goods have been so produced and are of an educational, scientific or cultural character, shall remit or repay any duty of customs chargeable on the goods in respect of—

Exemption from customs duties of films produced by the United Nations.

- (a) the duties chargeable under Part I of the Import Duties Act, 1932; or
- (b) the duties chargeable on silk or artificial silk or articles made wholly or in part of silk or artificial silk; or
- (c) the duties chargeable under the Safeguarding of Industries Act, 1921.

Purchase tax

7.—(1) Where a person, whether registered or required to be registered or not, makes a vehicle to which this section does not apply into one to which this section applies (hereafter in this section referred to as a “car”), purchase tax shall be charged on the wholesale value of the car unless he does so in the course of a business which ordinarily includes the manufacture of cars.

Charge of purchase tax on conversion of goods vehicle to passenger vehicle or the like.

(2) There shall be set off against the tax chargeable by virtue of this section in respect of a car the amount of any tax which it is shown has been or will be paid under the provisions relating to road vehicle chassis in respect of the chassis of the car and which has not been repaid or become repayable under those

PART I
—cont.

provisions ; and where tax is chargeable in respect of the same operation both by virtue of this section and by virtue of the provisions relating to chargeable processes, payment of the tax chargeable under either shall satisfy the charge under both.

(3) Tax chargeable by virtue of this section in respect of a car shall become due at the time when the process in respect of which the tax is chargeable is completed or at the time (if it is the earlier) when the car is first used on a public road or elsewhere or registered after the process was begun ; and (subject to the last foregoing subsection) any such tax shall be payable within seven days from demand or such longer period as the Commissioners of Customs and Excise may in any case allow.

(4) The following persons shall each be accountable for tax chargeable by virtue of this section in respect of a car, that is to say the person who is the owner of the car when the tax becomes due and any person making another vehicle into the car under a contract to the order of the owner ; but any person accountable as having made another vehicle into the car shall be entitled to recover any tax paid by him from the person accountable as the owner :

Provided that if, when the tax becomes due, some person other than the owner is entitled to possession of the car under a hire-purchase agreement, this subsection shall apply as if references to that person were substituted for references to the owner.

(5) It shall be the duty of any person who makes another vehicle into a car to inform the Commissioners of that fact forthwith, unless he is a registered person and does so in the course of a business which ordinarily includes the manufacture of cars ; and a person failing to comply with this subsection shall be liable to a penalty of one hundred pounds or of three times the tax chargeable, whichever is the greater.

In this subsection, “ the tax chargeable ” means the amount of the tax chargeable by virtue of this section by reason of the making of another vehicle into the car, after deducting from that tax any amount to be set off against it under subsection (2) of this section.

(6) It shall be the duty of any person who makes another vehicle into a car, or who is or has been the owner of a car, or in whose name a car is or has been registered, or who is or has been entitled to possession of a car under a hire-purchase agreement, or who has possession of a car, to give to the Commissioners such information (being information which he has or can reasonably be expected to obtain) as they or any officer of customs and excise, or other person authorised in that behalf,

may require for the purpose of determining whether any, and if so what, tax has become chargeable or is demandable under this section in respect of the car, and (in the case of any person who has or is entitled to possession of the car) to produce it at such place and time as may be so required; and a person failing to comply with any requirement under this subsection shall be liable to a penalty of one hundred pounds.

(7) The power to make regulations under the Vehicles (Excise) Act, 1949, as to the declaration to be made and particulars to be furnished by a person applying for a licence under that Act shall include power to require the declaration and particulars to extend to any matters relevant for the enforcement of this section; and a council shall accordingly not be required to issue a licence under that Act, where the applicant fails to comply with provisions included in the regulations by virtue of this subsection.

Notwithstanding anything in the Vehicles (Excise) Act, 1949, section thirty-five of the Finance (No. 2) Act, 1940 (which penalises false statements etc. made for the purposes of the enactments and regulations relating to purchase tax), shall have effect in relation to any such provisions as if they were contained in regulations made under Part V of the last mentioned Act.

(8) Subsections (1) and (2) of section thirty-one of the Finance (No. 2) Act, 1940 (which relate to the payment and recovery of tax), shall apply with any necessary adaptations in relation to tax payable by virtue of this section as they apply in relation to tax payable by virtue of a chargeable process.

(9) Subject to the next following subsection, this section applies to all mechanically propelled vehicles being chargeable goods comprised in paragraph (a) or (b) of Group 35 in Part I of the Eighth Schedule to the Finance Act, 1948, (as amended by the Purchase Tax (Consolidation) Order, 1956), except bicycles and bicycle and side-car combinations.

(10) Any order of the Treasury under section twenty-one of the Finance Act, 1948, which amends Part I of the Eighth Schedule to that Act in relation to road vehicles may, in connection therewith, amend subsection (2) or (9) of this section, and for the purposes of this section may contain savings and other transitional provisions consequential on any such amendments of the said Part I or of those subsections.

(11) In this section "registered", in relation to a vehicle, means registered under the Vehicles (Excise) Act, 1949.

(12) References in this section to the Vehicles (Excise) Act, 1949, and to a council, include respectively any corresponding enactment for the time being in force in Northern Ireland and a licensing authority under any such enactment.

PART I
—cont.

(13) This section shall have effect as from the first day of June, nineteen hundred and fifty-six, and shall apply in any case where the process of making another vehicle into a car is begun but not completed before that day as it applies where the whole process takes place after that day:

Provided that tax shall be treated as becoming due on the date of the passing of this Act in any case where under subsection (3) of this section it would have become due at some earlier time, and no person required by subsection (5) of this section to inform the Commissioners of the making of another vehicle into a car shall be liable to any penalty for failing to do so before that date if he does so within a reasonable time thereafter.

PART II

INCOME TAX (CHARGE OF TAX, AND GENERAL)

**Charge of
income tax
for 1956-57.**

8. Income tax for the year 1956-57 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, at such higher rates in respect of the excess as Parliament may hereafter determine.

**Relief from
income tax
on certain
savings bank
interest.**

9.—(1) Where the total income of an individual for the year of assessment includes, or would but for this section include, any sums paid or credited in respect of interest on deposits with the Post Office savings bank or a seamen's savings bank, or ordinary deposits with a trustee savings bank, those sums shall be disregarded for all the purposes of the Income Tax Acts other than surtax or the furnishing of information if or in so far as they do not exceed fifteen pounds; and for this purpose the question whether or how far those sums exceed fifteen pounds shall, where by virtue of section three hundred and fifty-four of the Income Tax Act, 1952, a woman's income is deemed to be her husband's, be determined separately as regards the part of his income which is his by virtue of that section and the part which is his apart from that section.

(2) Where by virtue of the foregoing subsection the total income of an individual for any year of assessment is treated as reduced by any amount for the purposes of income tax chargeable at the standard rate, it shall for the purposes of surtax be treated as having in the first place been reduced by a like amount but having thereafter been increased by such amount as would after deduction of income tax at the standard rate for that year be equal to the amount of the reduction.

(3) Where, on the application in that behalf of any savings bank maintained under a local Act, the Treasury are satisfied, having regard to the rules to be adopted by the bank, the conditions subject to which deposits are to be accepted by it or any department to be formed by it, and such other matters as the Treasury may require to be proposed in the application, that the deposits will, if the application is granted, sufficiently correspond with ordinary deposits in a trustee savings bank to justify a certificate under this section, the Treasury may certify the bank or department for the purposes of this section, and, while the certificate is in force,—

- (a) the interest payable on the deposits shall not exceed the rate of two and a half per cent. per annum, but the interest shall be treated for the purposes of this section as if it were such interest as is mentioned in subsection (1) of this section; and
- (b) the deposits shall be invested with the National Debt Commissioners, and sections twenty-five to thirty-eight of the Trustee Savings Banks Act, 1954, shall apply in relation to the bank or department as they apply in relation to trustee savings banks, but subject to such modifications as the Treasury may by order provide, including, if the order so provides, a reduction of the rate which the Treasury may by order under subsection (2) of section twenty-seven of that Act fix as the rate of interest on receipts for the bank's or department's payments into the Fund for the Banks for Savings.

An order under this subsection shall be made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament, and may be varied or revoked by a subsequent order.

(4) If the Treasury at any time cease to be satisfied that a certificate under the last foregoing subsection is justified they may revoke the certificate and give such directions as they think fit for the withdrawal by the bank or department of any money standing to its credit in the books of the National Debt Commissioners.

(5) This section shall not be deemed to have required any change in the amounts deducted or repaid under section one hundred and fifty-seven (pay as you earn) of the Income Tax Act, 1952, before the sixth day of July, nineteen hundred and fifty-six.

(6) In this section “trustee savings bank” and “ordinary deposit” have the same meanings as in the Trustee Savings Banks Act, 1954, and “seamen's savings bank” means a bank

PART II
—*cont.*

maintained under section one hundred and forty-eight of the Merchant Shipping Act, 1894.

**Offices and
employments.**

10.—(1) Schedule E shall be amended by inserting as a new paragraph 1 (the present paragraph 1 being re-numbered as paragraph 1A) the paragraph set out below, that is to say—

“ 1. Tax under this Schedule shall be charged in respect of any office or employment on emoluments therefrom which fall under one, or more than one, of the following Cases, namely—

Case I: where the person holding the office or employment is resident and ordinarily resident in the United Kingdom, and does not perform the duties of the office or employment wholly outside the United Kingdom in the year of assessment (and the emoluments are not excepted as foreign emoluments), any emoluments for the year of assessment ;

Case II: where that person is not resident or, if resident, then not ordinarily resident in the United Kingdom (and the emoluments are not excepted as foreign emoluments), any emoluments for the year of assessment in respect of duties performed in the United Kingdom ;

Case III: where that person is resident in the United Kingdom (whether ordinarily resident there or not), any emoluments received in the United Kingdom in the year of assessment, being emoluments either for that year or for an earlier year in which he has been resident there, and any emoluments for that year received in the United Kingdom in an earlier year ;

and tax shall be charged under those Cases in accordance with the rules and on the amount stated in the Second Schedule to the Finance Act, 1956.

Subject to that Schedule, the emoluments excepted from Cases I and II as foreign emoluments are emoluments of a person not domiciled in the United Kingdom from an office or employment under or with any person, body of persons or partnership resident outside, and not resident in, the United Kingdom.”

(2) Tax for the year 1956-57 or any subsequent year of assessment shall not be chargeable in respect of emoluments of an office or employment under Case V of Schedule D nor under any provision of Schedule E except the new paragraph 1.

(3) Where a dispute arises under the said paragraph 1 whether a person is or has been ordinarily resident or domiciled in the

United Kingdom, the question shall be referred to and determined by the Commissioners of Inland Revenue ; but any person who is aggrieved by their decision on the question may, by notice in writing to that effect given to them within three months from the date on which notice of the decision is given to him, make an application to have the question heard and determined by the Special Commissioners, and where an application is so made, the Special Commissioners shall hear and determine the question in like manner as an appeal made to them against an assessment under Schedule D, and all the provisions of the Income Tax Acts relating to such an appeal (including the provisions relating to the statement of a case for the opinion of the High Court on a point of law) shall apply accordingly with any necessary modifications.

(4) The charge to tax under Case III of Schedule E shall be disregarded for the purpose of the references to that Schedule in the following provisions of the Income Tax Act, 1952 (being provisions which refer to emoluments chargeable or assessable under that Schedule in defining the scope of another charge to tax), that is to say, subsection (5) of section two hundred and forty-two and subsection (4) of section three hundred and eighty-seven.

(5) References in the Income Tax Acts to Cases I, II and III of Schedule E shall be taken as referring to the Cases under which tax is chargeable under paragraph 1 of that Schedule as amended by this section.

11.—(1) Where a person works full-time in one or more of the following, that is to say, a trade, profession, vocation, office or employment, and the condition mentioned in the next following subsection is satisfied, the question whether he is resident in the United Kingdom shall be decided without regard to any place of abode maintained in the United Kingdom for his use

Residence
of persons
working
abroad.

(2) The said condition is that no part of the trade, profession or vocation is carried on in the United Kingdom and all the duties of the office or employment are performed outside the United Kingdom.

(3) Where an office or employment is in substance one of which the duties fall in the year of assessment to be performed outside the United Kingdom there shall be treated for the purposes of this section as so performed any duties performed in the United Kingdom the performance of which is merely incidental to the performance of the other duties outside the United Kingdom.

PART II
—cont.

Relief from
tax on
delayed
remittances
of overseas
income.

12.—(1) A person charged or chargeable for any year of assessment in respect of income from any source with tax which (apart from this section) falls to be computed under Case IV or V of Schedule D, or under Case III of Schedule E, on the amount of income received in the United Kingdom in the basis year for that year of assessment, may claim that the following provisions of this section shall apply, on showing that the following conditions are satisfied, that is to say—

- (a) that of the income so received all or part arose before the basis year but he was unable to transfer it to the United Kingdom before that year ; and
- (b) subject to the next following subsection, that that inability was due to the laws of the territory where the income arose, or to executive action of its government, or to the impossibility of obtaining foreign currency in that territory ; and
- (c) that the inability was not due to any want of reasonable endeavours on his part.

(2) For the purposes of this section, where in any year of assessment a person is granted a pension or increase of pension retrospectively, the amount paid in respect of any previous year of assessment by virtue of the grant shall be treated as income arising in that previous year, whenever it is paid, and he shall be treated as having possessed the source of income from the time as from which the grant has effect ; and paragraph (b) of the foregoing subsection shall not apply in relation to any amount so paid, except as respects the period after it becomes payable.

(3) Where a person claims that the provisions of this section shall apply for any year of assessment as respects the income from any source, then for purposes of income tax—

- (a) there shall be deducted from the income received in the United Kingdom in the basis year for that year the amount as respects which the conditions in paragraphs (a), (b) and (c) of subsection (1) of this section are satisfied, so far as applicable ; but
- (b) the part (if any) of that amount arising in each previous year of assessment shall be treated as if it were income received in the United Kingdom in the basis year for that previous year.

(4) Nothing in this section shall alter the year which is to be taken as the basis year for computing tax chargeable for any year of assessment under Case IV or V of Schedule D, and where under paragraph (b) of the last foregoing subsection income is treated as received in the United Kingdom in a year

which is the basis year for two years of assessment, it shall not by reason thereof be taken into account except in the year in which it arose.

PART II
—cont.

(5) Where a person makes a claim under this section for any year of assessment as respects income from any source chargeable under the said Case IV or V, and that year is the basis year for computing the tax with which he is chargeable on the income from that source both for that and for the succeeding year of assessment, tax shall not be chargeable for either of those years of assessment on the amount referred to in paragraph (a) of subsection (3) of this section (without however being charged a second time by virtue of paragraph (b) of that subsection).

(6) No claim under this section shall be made in respect of any income more than six years after the end of the year of assessment in which the income is received in the United Kingdom.

(7) There shall be made all such adjustments, whether by way of repayment of tax, additional assessment or otherwise, as may be necessary to give effect to this section, and notwithstanding anything in the Income Tax Act, 1952, any adjustment to give effect to a claim under this section may be made at any time.

(8) The provisions of the Sixth Schedule to the Income Tax Act, 1952, shall apply to any claim made under this section:

Provided that—

(a) any such claim shall be made in such form as the Commissioners of Inland Revenue may direct and shall be delivered to the surveyor ;

(b) where the surveyor objects to any such claim it shall be heard and determined by the Commissioners concerned in like manner as in the case of an appeal against an assessment under Schedule D, and the provisions of the Income Tax Act, 1952, relating to the statement of a case for the opinion of the High Court on a point of law shall apply ;

(c) any such claim to which objection is made shall, if the claimant so elects when he makes the claim, be heard and determined by the Special Commissioners, and paragraph (b) of this proviso shall have effect accordingly.

(9) A person's executors or administrators may make any claim under this section which he might have made, if he had not died, and after a person's death—

(a) any tax paid by him and repayable by virtue of a claim under this section (whoever made the claim) shall be repaid to his executors or administrators ; and

PART II
—cont.

(b) any additional tax chargeable by virtue of such a claim shall be assessed and charged upon his executors or administrators and shall be a debt due from and payable out of his estate.

(10) In this section “basis year” means, in relation to tax chargeable for any year of assessment under Case IV or V of Schedule D in respect of income from any source, the year by reference to which the amount of the income chargeable finally falls to be computed, and in relation to tax chargeable for any year of assessment under Case III of Schedule E, means that year of assessment; and any reference in this section to a source of income includes a part of a source.

(11) A claim may be made under this section as respects income received in the United Kingdom in the year 1951-52 or any subsequent year of assessment.

Relief for contributions to House of Commons Members' Fund.

13. The following subsection shall be substituted for subsection (1) of section three hundred and eighty-five of the Income Tax Act, 1952 (which excludes relief in respect of contributions to the House of Commons Members' Fund):—

“(1) The salary of a member of the House of Commons shall for all the purposes of the Income Tax Acts be treated as reduced by the amounts deducted in pursuance of section one of the House of Commons Members' Fund Act, 1939; but a member shall not by reason of any such deduction be entitled to relief under any other provision of this Act.

In this subsection the reference to salary shall be construed as mentioned in subsection (3) of the said section one, the reference to amounts deducted includes a reference to amounts required to be set aside under that subsection, and ‘deduction’ shall be construed accordingly”.

Victoria Cross.

14. Annuities and additional pensions paid to holders of the Victoria Cross by virtue of holding that award shall be disregarded for all the purposes of the Income Tax Acts.

Suspension of investment allowances (with certain exceptions).

15.—(1) Subject to the provisions of this section, subsections (2) to (5) of section sixteen of the Finance Act, 1954 (which provide for giving investment allowances in respect of capital expenditure on certain new assets), shall not apply to expenditure incurred after the seventeenth day of February, nineteen hundred and fifty-six, and before such date as Parliament may hereafter determine.

(2) Notwithstanding subsection (1) of this section, investment allowances under Chapter II of Part X of the Income Tax Act,

1952, shall continue to be made in respect of expenditure incurred after the said seventeenth day of February on the provision of ships.

PART II
—cont.

(3) Notwithstanding subsection (1) of this section, investment allowances shall also continue to be made under Chapters I and II of the said Part X in respect of expenditure incurred after the said seventeenth day of February on industrial buildings or structures, or on machinery or plant, in so far as the expenditure consists—

- (a) of expenditure incurred in adding, to any building, structure, machinery or plant in the United Kingdom which is or has been already in use, any insulation against loss of heat ; or
- (b) of expenditure incurred on providing, by way of modification or replacement of plant in the United Kingdom which is or has been already in use, plant of any description prescribed for this purpose in the interests of fuel economy.

(4) The descriptions of plant to which paragraph (b) of the last foregoing subsection is to apply shall be prescribed by orders made by the Treasury and, in addition to prescribing descriptions of plant to which the paragraph is to apply with effect from the eighteenth day of the said month, orders so made may from time to time, as respects expenditure incurred after the coming into force of the order, prescribe further descriptions of plant, or vary any description prescribed by a previous order ; and any such order may, in the case of ancillary plant included in the prescribed descriptions and of other plant so included the use of which may or may not be related to fuel economy, provide that it shall be so included subject to conditions imposed by the order in the interests of fuel economy.

Subsection (2) of section two hundred and seventy-nine of the Income Tax Act, 1952 (which treats as incurred on the commencement of a trade expenditure previously incurred for the purposes of the trade), shall not apply for the purposes of any such order.

(5) The power to make orders under the last foregoing subsection shall be exercisable by statutory instrument, which shall be subject to annulment by resolution of the Commons House of Parliament.

(6) Notwithstanding subsection (1) of this section, investment allowances shall also continue to be made by virtue of subsection (5) of section sixteen of the Finance Act, 1954 (which relates to expenditure incurred for the purposes of husbandry or forestry), in respect of expenditure incurred after the said seventeenth day

PART II
—*cont.*

of February in adding to any building or structure which is or has been already in use, and in which artificial heating is regularly used for the purposes of husbandry or forestry, any insulation against loss of heat.

(7) This section shall not affect the application of subsections (2) to (5) of section sixteen of the Finance Act, 1954, to any expenditure in so far as it consists (and is stated in the certificate required by subsection (7) of that section to consist) of sums payable under a contract entered into on a date (to be specified in that certificate) not later than the said seventeenth day of February.

(8) This section shall have effect for the year 1955-56 as well as subsequent years of assessment, and in relation to the profits tax shall have effect for accounting periods ending before or at the commencement of this Act (but after the said seventeenth day of February) as well as accounting periods ending after that commencement.

Capital allowances for industrial buildings (expenditure on cutting, tunnelling, etc.).

16.—(1) In relation to allowances and charges for the year 1956-57 and subsequent years of assessment, paragraph (b) of subsection (1) of section two hundred and seventy-eight of the Income Tax Act, 1952 (which provides that expenditure incurred on preparing, cutting, tunnelling or levelling land is not to be treated for the purpose of Chapter I of Part X of that Act as expenditure incurred on the construction of a building or structure), shall not apply.

(2) In the case of a building or structure first used before the sixth day of April, nineteen hundred and fifty-six, the provisions of the Income Tax Acts relating to allowances and charges under the said Chapter I other than investment or initial allowances shall have effect subject to the following provisions, that is to say,—

- (a) where the expenditure incurred on the construction of the building or structure consisted in part of expenditure in respect of which no annual allowance could be made under that Chapter except by virtue of subsection (1) of this section, the said provisions shall apply to that part of the expenditure separately from the remainder, and to the remainder separately from that part, as if each had been incurred on a different building or structure from the other, and the necessary apportionments shall be made accordingly of any sale, insurance, salvage or compensation moneys or other relevant sums; and
- (b) in relation to that part of the expenditure, but not in relation to the remainder, the appointed day for the

purposes of any reference thereto in the said Chapter I shall be the said sixth day of April, nineteen hundred and fifty-six :

PART II
—*cont.*

Provided that nothing in this subsection shall apply to premises in relation to which the said appointed day is postponed to the said sixth day of April or to a later day by subsection (2) of section two hundred and seventy-seven of the Income Tax Act, 1952 (which made provision for the temporary continuance of certain pre-1946 allowances).

(3) Where capital expenditure is or has been incurred on preparing, cutting, tunnelling or levelling land for the purposes of preparing the land as a site for the installation of machinery or plant, and apart from this subsection no allowance could be made in respect of that expenditure under Chapter I or II of Part X of the Income Tax Act, 1952, then in relation to allowances and charges for the year 1956-57 and subsequent years of assessment, as regards that expenditure—

- (a) the machinery or plant shall be treated for the purposes of the said Chapter I as a building or structure (whether or not it would be so treated apart from this subsection) ; and
- (b) subsection (1) of section two hundred and seventy-six (which provides, among other things, that allowances shall not be made under the said Chapter I in respect of expenditure on a building or structure if allowances can be made under Chapter II in respect of the same or other expenditure on it) shall apply with the omission of the reference to Chapter II :

Provided that as regards expenditure to which the said Chapter I is applied by this subsection, the appointed day, for the purposes of any reference thereto in the said Chapter I except in section two hundred and sixty-five (which relates to initial allowances), shall be the sixth day of April, nineteen hundred and fifty-six.

(4) This section shall not affect allowances for the year 1956-57 or any subsequent year of assessment in so far as they consist of amounts carried forward from any year of assessment before the year 1956-57.

17.—(1) Subject to the provisions of this section, where a person for the purposes of any qualifying trade carried on by him incurs capital expenditure on dredging, and either the trade consists of the maintenance or improvement of the navigation of a harbour, estuary or waterway or the dredging is for the benefit of vessels coming to, leaving or using any dock or other premises occupied by him for the purposes of the trade, then there shall be **Capital allowances for expenditure on dredging.**

PART II
—cont.

made in respect of the expenditure to the person for the time being carrying on the trade—

- (a) for the first relevant year of assessment, an initial allowance equal to one-tenth of the expenditure ; and
- (b) for that and each subsequent year of assessment (until the allowances made under this section in respect of the expenditure equal the amount of the expenditure), an annual allowance equal to one-fiftieth of the expenditure.

(2) If the trade is permanently discontinued in any year of assessment, then for that year there shall be made to the person last carrying on the trade, in addition to any other allowance made to him, an allowance equal to the amount of the expenditure less the allowances made in respect of it under the foregoing subsection for that and previous years of assessment.

(3) For the purposes of this section, a trade shall not be treated by virtue of section nineteen of the Finance Act, 1953, as permanently discontinued on a change in the persons engaged in carrying it on ; but, subject to section seventeen of the Finance Act, 1954 (which relates to company reconstructions, etc.), where a trade is sold, it shall be treated for those purposes as having been permanently discontinued at the time of the sale, unless the sale is such a sale as is specified in section three hundred and twenty-seven of the Income Tax Act, 1952 (which relates to certain sales not made at arm's length and to certain sales made with a view to a tax benefit).

(4) Any allowance under this section shall be made in charging the profits or gains of the trade, and if different persons are charged in respect of the trade for different parts of any year of assessment, any annual allowance for that year shall be apportioned between them in proportion to the length of the periods for which they are so charged, but, if it is the first relevant year of assessment, any initial allowance shall be made to the person first carrying on the trade in the year.

(5) Where expenditure is incurred partly for the purposes of a qualifying trade and partly for other purposes, subsection (1) of this section shall apply to so much only of that expenditure as on a just apportionment ought fairly to be treated as incurred for the purposes of that trade.

(6) In this section “qualifying trade” means any trade or undertaking which, or a part of which, complies with any of the following conditions, that is to say :—

- (a) the condition that it consists of the maintenance or improvement of the navigation of a harbour, estuary or waterway ; or

- (b) any condition set out in the provisions of subsection (1) of section two hundred and seventy-one of the Income Tax Act, 1952 (which defines an industrial building or structure);

PART II
—cont.

but where part only of a trade or undertaking complies with those conditions, subsection (5) of this section shall apply as if the part which does and the part which does not comply were separate trades.

(7) Where a person incurs capital expenditure for the purposes of a trade or part of a trade not yet carried on by him but with a view to carrying it on, or incurs capital expenditure in connection with a dock or other premises not yet occupied by him for the purposes of a qualifying trade but with a view to so occupying the dock or premises, the foregoing provisions of this section shall apply as if he had been carrying on the trade or part of the trade or occupying the dock or premises for the purposes of the qualifying trade, as the case may be, at the time when the expenditure was incurred.

(8) For the purposes of this section, the first relevant year of assessment, in relation to expenditure incurred by any person, is the year in his basis period for which he incurs the expenditure or, in the case of expenditure for which allowances are to be made by virtue of subsection (7) of this section, the first year of assessment in his basis period for which he both carries on the trade or part of the trade for the purposes of which the expenditure was incurred and occupies for the purposes of that trade or part of the trade the dock or other premises in connection with which it was incurred.

(9) For the purposes of this section, section three hundred and thirty-two of the Income Tax Act, 1952, shall not apply; but where a person contributes a capital sum to expenditure on dredging incurred by another person, he shall be treated as incurring capital expenditure on that dredging, and capital expenditure incurred by any person shall not be treated as incurred for the purposes of any trade carried on or to be carried on by him in so far as it has been or is to be met directly or indirectly by the Crown or by any government or public or local authority, whether in the United Kingdom or elsewhere, or by capital sums contributed by any other person for purposes other than those of that trade.

(10) In this section “dredging” does not include things done otherwise than in the interests of navigation, but (subject to that) includes the removal of anything forming part of or projecting from the bed of the sea or of any inland water, by whatever means it is removed and whether or not at the time of removal

PART II
—*cont.*

it is wholly or partly above water ; and this section shall apply to the widening of an inland waterway in the interests of navigation as it applies to dredging.

(11) No allowance shall be made by virtue of this section in respect of any expenditure if for the same or any previous or subsequent year of assessment an allowance is or can be made in respect of it under any of the provisions of Chapter I or II of Part X of the Income Tax Act, 1952.

(12) Subject to the provisions of this section, the Income Tax Acts shall have effect, and this section shall be construed, as if it were contained in Part X of the Income Tax Act, 1952.

(13) The foregoing provisions of this section shall have effect only for the year 1956-57 and subsequent years of assessment, but for that purpose shall apply in relation to expenditure incurred and other things done before as well as after the beginning of the year 1956-57:

Provided that in determining the allowances to be made in respect of any expenditure so incurred there shall be deemed to have been made all such allowances (other than initial allowances) as could have been made if this section had always had effect.

(14) The Eighth Schedule to the Finance Act, 1947, shall have effect as if allowances under this section were included among the allowances referred to in sub-paragraph (1) of paragraph 1 of that Schedule (which lists certain income tax allowances which are to be made also for the purposes of the profits tax).

Further
continuation
of mills,
factories
allowances.

18.—(1) The Income Tax Acts shall have effect, and be deemed always to have had effect, as if in subsection (2) of section seven of the Income Tax Act, 1945 (which provides that the allowances under section fifteen of the Finance Act, 1937, in respect of mills, factories and other similar premises shall cease in all cases after the year 1955-56), for the words “the next nine years of assessment” there had in both places been substituted the words “the next twelve years of assessment”.

(2) The reference in this section to section seven of the Income Tax Act, 1945, shall be construed as referring to that section as set out in Part I of the Eleventh Schedule to the Income Tax Act, 1952.

Relief from
surtax for
estate duty on
accrued
income.

19.—(1) Where any income, having accrued before the death of any person, is taken into account both—

(a) in estimating the principal value of an estate for the purposes of any estate duty payable on his death ; and

(b) in ascertaining for the purposes of Part XIX of the Income Tax Act, 1952, the residuary income of his estate for any year of assessment,

PART II
—cont.

that residuary income shall be treated as reduced, by an amount calculated in accordance with the following provisions of this section, in ascertaining the liability to surtax of any person having an absolute interest in the residue of that or any other estate or part thereof.

(2) The amount of the reduction shall be an amount which, after deduction of income tax at the standard rate for the said year of assessment, would equal the amount of estate duty payable in respect of so much of the income taken into account as mentioned in the foregoing subsection as exceeds any liabilities so taken into account.

(3) The amount of estate duty payable in respect of any income taken into account in estimating the principal value of an estate shall be taken to be an amount which bears the same proportion to the total duty payable in respect of that estate as the amount of the income bears to the principal value of that estate, subject however to any correction falling to be made under the next following subsection.

(4) The said proportion shall be corrected by adding to or subtracting from the amount of the total duty such amounts (if any) as may be necessary to adjust the amount of the total duty to what it would have been if—

- (a) duty on all the property taken into account in estimating the principal value of the estate had been payable at the highest rate at which duty on any of that property was payable ; and
- (b) no duty had been payable on any property not so taken into account ;

and, where the estate includes an interest in expectancy and duty in respect of that interest is not paid with the duty in respect of the rest of the estate, by excluding from the total duty the duty payable in respect of the interest when it falls into possession, and from the principal value of the estate the value of that interest.

(5) The amount of any income accruing before the death of any person and taken into account in estimating the principal value of an estate shall (whether or not the income was valued separately or its amount known at the date of the death) be taken to be the actual amount so accruing less income tax at the standard rate for the year of assessment in which the death occurred.

PART II
—cont.

(6) The amounts agreed between the persons accountable for estate duty and the Commissioners of Inland Revenue (or, as respects estate duty payable under the law of Northern Ireland, the Ministry of Finance for Northern Ireland), or determined in proceedings between them, as being respectively the principal value of an estate and the amount of any estate duty payable shall be conclusive for the purposes of this section; and evidence of those amounts and of any facts relevant to their computation may be given by the production of a document purporting to be a certificate from those Commissioners or, as the case may be, that Ministry.

(7) In this section—

- (a) references to estate duty payable include references to any estate duty that would have been payable but for any relief in respect of duty payable under the law of any country outside the United Kingdom, other than relief given by way of allowance from the value of any property; and
- (b) references to liabilities taken into account in ascertaining the amount of the residuary income of an estate include references to liabilities allowed or allowable in computing its aggregate income.

(8) This section shall be construed as if contained in Part XIX of the Income Tax Act, 1952.

(9) This section shall have effect as respects tax for the year 1956-57 and subsequent years of assessment.

Power to obtain information as to fees, commissions, etc.

20.—(1) Every person carrying on a trade or business shall, if required to do so by notice from the surveyor, make and deliver to the surveyor a return of all payments of any kind specified in the notice made during a period so specified, being—

- (a) payments made in the course of the trade or business, or of such part of the trade or business as may be specified in the notice, for services rendered by persons not employed in the trade or business, or
- (b) payments for services rendered in connection with the formation, acquisition, development or disposal of the trade or business, or any part of it, by persons not employed in the trade or business, or
- (c) periodical or lump sum payments made in respect of any copyright.

(2) Every body of persons carrying on any activity which does not constitute a trade or business shall, if required to do so by notice from the surveyor, make and deliver to the surveyor a

return of all payments of a kind specified in the notice made during a period so specified, being—

PART II
—cont.

- (a) payments made in the course of carrying on the activity, or such part of the activity as may be specified in the notice, for services rendered by persons not employed by the said body of persons, or
- (b) periodical or lump sum payments made in respect of any copyright.

(3) A return required under either of the foregoing subsections shall, if the trade or business or other activity is carried on by an unincorporated body of persons, be made and delivered by the person who is or performs the duties of secretary of the body, and the notice shall be framed accordingly.

(4) A return under the foregoing provisions of this section shall give the name of the person to whom each payment was made, the amount of the payment and such other particulars (including particulars as to the services or rights in respect of which the payment was made, the period over which any services were rendered and any business name and any business or home address of the person to whom payment was made) as may be specified in the notice.

(5) No person shall be required under the foregoing provisions of this section to include in a return—

- (a) particulars of any payment from which income tax is deductible, or
- (b) particulars of payments made to any one person where the total of the payments to that person which would otherwise fall to be included in the return does not exceed fifteen pounds, or
- (c) particulars of any payment made in a year of assessment ending more than three years before the service of the notice requiring him to make the return.

(6) A person who fails to deliver, within the time limited in any notice served on him under this section, a true and correct return which he is required by the notice to deliver shall be liable to a penalty not exceeding fifty pounds and, after judgment has been given for that penalty, to a further penalty of the like amount for every day during which the failure continues.

(7) In this section—

- (a) references to payments for services include references to payments in the nature of commission of any kind and references to payments in respect of expenses incurred in connection with the rendering of services, and

PART II
—*con.*'.

(b) references to the making of payments include references to the giving of any valuable consideration ;

and the requirement imposed by subsection (4) of this section to state the amount of a payment shall, in relation to any consideration given otherwise than in the form of money, be construed as a requirement to give particulars of the consideration.

(8) This section shall apply to payments made on or after the sixth day of April, nineteen hundred and fifty-six.

Place of
assessment
under
Schedule D.

21.—(1) The Commissioners of Inland Revenue may direct that persons chargeable under Schedule D in respect of a trade, profession or vocation which falls within a class of activity specified in the direction shall be assessable and chargeable in respect of that trade, profession or vocation in a division named in the direction, or in one of two or more divisions so named, and such persons may be assessed and charged accordingly.

(2) A direction under this section may be expressed to be for particular years of assessment or may be without limit of time and may be varied or withdrawn at any time as respects future years of assessment.

PART III

INCOME TAX (RETIREMENT AND OTHER ANNUITIES)

Retirement annuities and related matters

Retirement
annuities (relief
of assessment,
for premiums,
and earned
income relief).

22.—(1) Where, in the year 1956-57 or any subsequent year of assessment, an individual—

(a) is (or would but for an insufficiency of profits or gains be) chargeable to tax in respect of relevant earnings from any trade, profession, vocation, office or employment carried on or held by him; and

(b) pays a premium or other consideration under an annuity contract for the time being approved by the Commissioners of Inland Revenue as having for its main object the provision for the individual of a life annuity in old age (hereafter in this Part of this Act referred to as “ a qualifying premium ”);

then relief from tax may be given in respect of the qualifying premium under the next following section, and any annuity payable to the same or another individual shall be treated as earned income of the annuitant to the extent to which it is payable in return for any amount on which relief is so given.

(2) Subject to the next following subsection, the Commissioners shall not approve a contract unless it appears to them to satisfy

the conditions that it is made by the individual with a person lawfully carrying on in the United Kingdom the business of granting annuities on human life, and that it does not—

PART III
—cont.

- (a) provide for the payment by that person during the life of the individual of any sum except sums payable by way of annuity to the individual ; or
- (b) provide for the annuity payable to the individual to commence before he attains the age of sixty or after he attains the age of seventy ; or
- (c) provide for the payment by that person of any other sums except sums payable by way of annuity to the individual's widow or widower and any sums which, in the event of no annuity becoming payable either to the individual or to a widow or widower, are payable to the individual's personal representatives by way of return of premiums, by way of reasonable interest on premiums or by way of bonuses out of profits ; or
- (d) provide for the annuity, if any, payable to a widow or widower of the individual to be of a greater annual amount than that paid or payable to the individual ; or
- (e) provide for the payment of any annuity otherwise than for the life of the annuitant ;

and that it does include provision securing that no annuity payable under it shall be capable in whole or in part of surrender, commutation or assignment.

(3) The Commissioners may, if they think fit, and subject to any conditions they think proper to impose, approve a contract otherwise satisfying the foregoing conditions, notwithstanding that the contract provides for one or more of the following matters, that is to say,—

- (a) for the payment after the individual's death of an annuity to a dependant not the widow or widower of the individual ;
- (b) for the payment to the individual of an annuity commencing before he attains the age of sixty, if the annuity is payable on his becoming incapable through infirmity of mind or body of carrying on his own occupation or any occupation of a similar nature for which he is trained or fitted ;
- (c) if the individual's occupation is one in which persons customarily retire before attaining the age of sixty, for the annuity to commence before he attains that age (but not before he attains the age of fifty) ;
- (d) for the annuity payable to any person to continue for a term certain (not exceeding ten years), notwithstanding his death within that term, or for the annuity

PART III
—cont.

payable to any person to terminate, or be suspended, on marriage (or remarriage) or in other circumstances ;

- (e) in the case of an annuity which is to continue for a term certain, for the annuity to be assignable by will, and in the event of any person dying entitled to it, for it to be assignable by his personal representatives in the distribution of the estate so as to give effect to a testamentary disposition, or to the rights of those entitled on intestacy, or to an appropriation of it to a legacy or to a share or interest in the estate.

(4) So much of subsection (1) of this section as provides that an annuity shall be treated, in whole or in part, as earned income of the annuitant shall apply only in relation to the annuitant to whom the annuity is made payable by the terms of the contract.

(5) The foregoing provisions of this section shall apply in relation to a contribution under a trust scheme approved by the Commissioners of Inland Revenue as they apply in relation to a premium under an annuity contract so approved, with the modification that, for the condition as to the person with whom the contract is made, there shall be substituted a condition that the scheme—

- (a) is established under the law of any part of, and administered in, the United Kingdom ; and
- (b) is established for the benefit of individuals engaged in or connected with a particular occupation (or one or other of a group of occupations), and for the purpose of providing retirement annuities for them, with or without subsidiary benefits for their families or dependants ; and
- (c) is so established under irrevocable trusts by a body of persons comprising or representing a substantial proportion of the individuals so engaged in the United Kingdom, or of those so engaged in England, Wales, Scotland or Northern Ireland ;

and with the necessary adaptations of other references to the contract or the person with whom it is made ; and exemption from income tax shall be allowed in respect of income derived from investments or deposits of any fund maintained for the purpose aforesaid under a scheme for the time being approved under this subsection.

(6) The Commissioners may at any time, by notice in writing given to the persons by and to whom premiums are payable under any contract for the time being approved under this section, or to the trustees or other persons having the management

of any scheme so approved, withdraw that approval on such grounds and from such date as may be specified in the notice.

PART III
—cont.

(7) For the purposes of this Part of this Act, a married woman's relevant earnings shall not be treated as her husband's relevant earnings, notwithstanding that her income chargeable to tax is treated as his income.

(8) Subject to the last foregoing subsection, "relevant earnings" in relation to any individual means for the purposes of this Part of this Act any income of his chargeable to tax for the year of assessment in question, being either—

- (a) income arising in respect of remuneration from an office or employment of profit held by him other than a pensionable office or employment ; or
- (b) income from any property which is attached to or forms part of the emoluments of any such office or employment of profit held by him ; or
- (c) income which is chargeable under Schedule B or Schedule D and is immediately derived by him from the carrying on or exercise by him of his trade, profession or vocation either as an individual or, in the case of a partnership, as a partner personally acting therein ; or
- (d) income treated as earned income by virtue of paragraph (d) (which relates to patent rights) of subsection (2) of section five hundred and twenty-five of the Income Tax Act, 1952 ;

but does not include any remuneration as director of an investment company (as defined in section two hundred and fifty-seven of the Income Tax Act, 1952) of which he is a controlling director (as defined in subsection (1) of section three hundred and ninety of that Act).

(9) For the purposes of this Part of this Act, an office or employment is a pensionable office or employment if, and only if, service in it is service to which a sponsored superannuation scheme relates (not being a scheme under which the benefits provided in respect of that service are limited to a lump sum payable on the termination of the service through death or disability before the age of seventy or some lower age); but references to a pensionable office or employment apply whether or not the duties are performed wholly or partly in the United Kingdom or the holder is chargeable to tax in respect of it.

Service in an office or employment shall not for the purposes of this definition be treated as service to which a sponsored superannuation scheme relates by reason only of the fact that

Q

PART III
—*cont.*

the holder of the office or employment might (though he does not) participate in the scheme by exercising or refraining from exercising an option open to him by virtue of that service.

(10) In the last foregoing subsection “ a sponsored superannuation scheme ” means a scheme or arrangement relating to service in particular offices or employments and having for its object or one of its objects to make provision in respect of persons serving therein against future retirement or partial retirement, against future termination of service through death or disability, or against similar matters, being a scheme or arrangement under which any part of the cost of the provision so made is or has been borne otherwise than by those persons by reason of their service (whether it is the cost or part of the cost of the benefits provided, or of paying premiums or other sums in order to provide those benefits, or of administering or instituting the scheme or arrangement) ; but for this purpose a person shall be treated as bearing by reason of his service the cost of any payment made or agreed to be made in respect of his service, if that payment or the agreement to make it is treated under the Income Tax Acts as increasing his income, or would be so treated if he were chargeable to tax under Case I of Schedule E in respect of his emoluments from that service.

(11) Nothing in sections four and six of the Policies of Assurance Act, 1867 (which put on assurance companies certain obligations in relation to notices of assignment of policies of life assurance), shall be taken to apply to any contract approved under this section.

Nature and amount of relief for qualifying premiums.

23.—(1) Where relief is to be given under this section in respect of any qualifying premium paid by an individual, the amount of that premium shall be deducted from or set off against his relevant earnings for the year of assessment in which the premium is paid :

Provided that the amount which may be deducted or set off in any year of assessment (whether in respect of one or more qualifying premiums) shall not be more than the sum of seven hundred and fifty pounds, nor more than one-tenth of his net relevant earnings for that year, and, where the condition in paragraph (a) of subsection (1) of the last foregoing section is satisfied as respects part only of that year, then for the said sum of seven hundred and fifty pounds there shall be substituted the sum which bears to it the same proportion as that part bears to the whole year (but so that in the case of individuals holding a pensionable office or employment, and of individuals born in or before the year nineteen hundred and fifteen, this proviso shall have effect subject to the provisions of the Third Schedule to this Act).

(2) If in any year of assessment a reduction or a greater reduction would be made under this section in the relevant earnings of an individual but for an insufficiency of net relevant earnings, the amount of the reduction which would be made but for that insufficiency, less the amount of any reduction which is made in that year, shall be carried forward to the next following year, and shall be treated for the purposes of relief under this section as the amount of a qualifying premium paid in that following year, and so on for succeeding years (if necessary).

(3) Where, on the making of an assessment for any year on an individual's relevant earnings or on the profits or gains of a partnership from which he derives relevant earnings, notice of assessment is given after or within six months before the end of the year of assessment, and the individual pays a qualifying premium after the end of that year but within the period beginning with the date of the notice and ending six months after the date on which the assessment becomes final and conclusive, he may within that period elect that for the purposes of relief under this section the premium shall be treated as paid in that year and not in the year in which it is paid, and where he does so elect, any relief given in consequence of the election for the earlier year shall be given by repayment of tax:

Provided that where either—

- (a) the amount of that premium, together with any qualifying premiums paid by him in the year to which the assessment relates (or treated as so paid by virtue of any previous election under this subsection), exceeds the maximum amount of the reduction which may be made under this section in his relevant earnings for that year; or
- (b) the amount of that premium itself exceeds the increase in that maximum amount which is due to taking into account the income on which the assessment is made;

then the election shall have no effect as respects the excess.

(4) For the purposes of relief under this section, an individual's relevant earnings are those earnings before giving effect to allowances falling to be made under Part X or XI of the Income Tax Act, 1952, other than deductions allowable in computing profits or gains (but after taking into account the amounts on which charges fall to be so made), and references to income in the following provisions of this section (other than references to total income) shall be construed similarly.

(5) Subject to the following provisions of this section, "net relevant earnings" means, in relation to any individual, the amount of his relevant earnings for the year of assessment in question, less the amount of any deductions falling to be made

PART III
—*cont.*

from the relevant earnings in computing for the purposes of tax at the standard rate his total income for that year, being either—

- (a) deductions in respect of payments made by him ; or
- (b) deductions in respect of losses or of allowances under Part X or XI of the Income Tax Act, 1952, being losses or allowances arising from activities profits or gains of which would be included in computing relevant earnings of the individual or of the individual's wife or husband for the year 1956-57 or a later year of assessment.

(6) Where, in any year of assessment for which an individual claims and is allowed relief under this section, there falls to be made in computing the total income of the individual or that of the individual's wife or husband a deduction in respect of any such loss or allowance of the individual as is mentioned in paragraph (b) of the last foregoing subsection, and the deduction or part of it falls to be so made from income other than relevant earnings, the amount of the deduction made from that other income shall be treated as reducing the individual's net relevant earnings for subsequent years of assessment (being deducted as far as may be from those of the immediately following year, whether or not he claims or is entitled to claim relief under this section for that year, and so far as it cannot be so deducted, then from those of the next year, and so on).

(7) Where an individual's income for any year of assessment consists partly of relevant earnings and partly of other income, then as far as may be any deductions which fall to be made in computing his total income, and which may be treated in whole or in part either as made from relevant earnings or as made from other income, shall be treated for the purposes of this section as being made from those relevant earnings in so far as they are deductions in respect of any such loss or allowance as is mentioned in paragraph (b) of subsection (5) of this section, and otherwise as being made from that other income.

(8) An individual's net relevant earnings for any year of assessment are to be computed without regard to any relief which falls to be given for that year under this section either to the individual or to the individual's wife or husband.

(9) An individual's relevant earnings, in the case of partnership profits, shall be taken to be his share of the partnership income, estimated in accordance with the Income Tax Acts, but the amount to be included in respect of those earnings in arriving at his net relevant earnings shall be his share of that income after making therefrom all such deductions (if any) in respect of payments made by the partnership, or in respect of allowances falling to be made to the partnership under Part X or XI of the

Income Tax Act, 1952, for the year 1956-57 or a later year of assessment, as would be made in computing the tax payable in respect of that income.

PART III
—cont.

(10) Where relief under this section for any year of assessment is claimed and allowed (whether or not relief then falls to be given for that year), and afterwards there is made any additional assessment, alteration of an assessment, or other adjustment of the claimant's liability to tax, there shall be made also such adjustments, if any, as are consequential thereon in the relief allowed or given under this section for that or any subsequent year of assessment.

(11) Where relief under this section is claimed and allowed for any year of assessment in respect of any payment, relief shall not be given in respect of it under any other provision of the Income Tax Acts for the same or a later year of assessment nor (in the case of a payment under an annuity contract) in respect of any other premium or consideration for an annuity under the same contract; and references in the Income Tax Acts to relief in respect of life assurance premiums shall not be taken to include relief under this section.

(12) The allowances mentioned in paragraph (b) of subsection (5) or in subsection (9) of this section shall not be treated as including amounts carried forward from a year of assessment earlier than the year 1956-57.

(13) Without prejudice to subsection (3) of this section, a person who pays a qualifying premium in the year 1957-58 may elect that it or part of it shall be treated for the purposes of this and the last foregoing section as a qualifying premium paid in the year 1956-57, and shall be treated (subject to subsection (2) of this section) as not paid in the year 1957-58.

24.—(1) Where an assurance company carries on pension annuity business, then—

Taxation of
assurance
companies
doing
annuity
business.

(a) exemption from income tax shall be allowed in respect of income from investments and deposits of so much of the company's annuity fund as is referable to that business; and

(b) the company shall not be entitled to treat as paid out of profits or gains brought into charge to tax any part so referable of the annuities paid by the company.

(2) Subsection (4) of section four hundred and twenty-five of the Income Tax Act, 1952, shall cease to have effect in so far as it provides for a deduction for profits on annuity business in determining the relief to be given to an assurance company in respect of expenses of management; and, except in the case of

PART III
—*cont.*

an assurance company charged to tax in accordance with the provisions applicable to Case I of Schedule D in respect of the profits of its ordinary life assurance business, profits arising to an assurance company from pension annuity business, or from general annuity business, shall be treated as annual profits or gains within Schedule D, and be chargeable under Case VI of that Schedule, and for that purpose—

(a) the business of each such class shall be treated separately; and

(b) subject to the foregoing paragraph, the profits therefrom shall be computed as they would have been computed for the purpose of the said subsection (4) (and without regard to the provisions of subsection (2) of section one hundred and thirty-five of the Income Tax Act, 1952, as to the period to be taken in computing profits for the purpose of the said Case VI).

(3) Where income from the investments of the foreign life assurance fund of an assurance company having its head office in the United Kingdom has been relieved from tax under section four hundred and twenty-nine of the Income Tax Act, 1952 (which provides for treating such income in certain respects in the same way as income of a non-resident), a corresponding reduction shall be made in any amount on which the company is chargeable to tax by virtue of the last foregoing subsection in like manner as a corresponding reduction is made under subsection (5) of the said section four hundred and twenty-nine in the relief granted to the company in respect of the expenses of management.

(4) Where an assurance company not having its head office in the United Kingdom carries on life assurance business through any branch or agency in the United Kingdom, then any charge to tax under subsection (2) of this section for any year of assessment on the profits arising to the company from pension annuity business, or from general annuity business,—

(a) shall extend only to a part of those profits bearing to the total amount thereof the same proportion as, under section four hundred and thirty of the Income Tax Act, 1952 (which relates to the taxation of the income from investments of the company's life assurance fund, excluding the annuity fund), the part of that income charged to tax under Case III of Schedule D bears in that year to the total amount of that income; and

(b) shall not be treated as a charge to tax in respect of life assurance business for the purposes of subsection (4) of that section.

(5) The exemption from tax conferred by subsection (1) of this section shall not exclude any sums from being taken into account as receipts in computing profits or gains or losses for any purpose

of the Income Tax Acts; and an assurance company shall not, by virtue of subsection (2) of this section, be entitled to any relief under section three hundred and forty-six of the Income Tax Act, 1952, in respect of losses on its pension annuity business or on its general annuity business.

(6) For the purposes of this section “general annuity business” means any annuity business which is not pension annuity business, and any division to be made between the two classes of business shall be made on the principle of referring to pension annuity business any premiums falling within the next following subsection, together with the part resulting therefrom of the company’s annuity fund and liability for annuities, and of dealing with other incomings and outgoings accordingly:

Provided that a division as at the beginning of the year 1956-57 or any earlier time may be made by apportionment according to the company’s liability at that time on contracts then falling within paragraph (b) of the next following subsection and on other annuity contracts.

(7) The premiums to be referred to pension annuity business are those payable under contracts falling (at the time when the premium is payable) within one or other of the following descriptions, that is to say—

(a) any contract with an individual who is, or would but for an insufficiency of profits or gains be, chargeable to tax in respect of relevant earnings (as defined in section twenty-two of this Act) from a trade, profession, vocation, office or employment carried on or held by him, being a contract approved by the Commissioners of Inland Revenue under that section; and

(b) any contract with the trustees or other persons having the management of a superannuation fund within the meaning of section three hundred and seventy-nine of the Income Tax Act, 1952, or of a scheme approved under section twenty-two of this Act, being a contract which—

(i) was entered into for the purposes only of that fund or scheme or, in the case of a fund part only of which is approved under the said section three hundred and seventy-nine, then for the purposes only of that part of that fund; and

(ii) (in the case of a contract entered into or varied after the coming into force of this section) is so framed that the liabilities undertaken by the assurance company under the contract correspond with liabilities against which the contract is intended to secure the fund (or the relevant part of it) or scheme.

PART III
—*cont.*

(8) This section shall be construed in accordance with section four hundred and thirty-seven of the Income Tax Act, 1952; and for the purposes of this section “annuity business” means the business of granting annuities on human life and “premium” includes any consideration for an annuity.

(9) The following transitional provisions shall have effect for the purposes of subsection (2) of this section:—

- (a) where tax for the year 1956-57 falls to be charged on the amount of the profits for the preceding year, that amount shall be computed (except as regards the liability as at the beginning of that preceding year in respect of annuities) as if subsection (1) of this section had had effect for the year 1955-56;
- (b) where in arriving at the amount on which tax falls to be charged for the year 1956-57 or any subsequent year of assessment, it is necessary to divide and apportion profits or gains or losses for a period for which accounts have been made up and which falls partly before and partly after the beginning of the year 1956-57, the manner of making the apportionment under section one hundred and fifty-five of the Income Tax Act, 1952, shall be modified as may be just having regard to subsection (1) of this section;
- (c) losses for years of assessment earlier than 1956-57 shall be computed by reference to the annuity business as a whole, and by apportioning any losses which arose on that business (and in respect of which relief has not been given) between the pension annuity business and the general annuity business in such manner as may be appropriate.

Application
to new
exemptions
of Finance
(No. 2) Act,
1955, s. 4.

25.—(1) Subsection (2) of section four of the Finance (No. 2) Act, 1955 (under which exemptions from tax are in certain circumstances excluded or restricted in relation to dividends on securities recently acquired, but under the proviso to the subsection annual payments payable out of the dividends are nevertheless to be treated as paid out of profits or gains not brought into charge to tax), shall apply to any exemption from tax under subsection (5) of section twenty-two or subsection (1) of section twenty-four of this Act with the omission of that proviso; but annual payments shall, as far as may be, be treated for the purposes of section one hundred and seventy of the Income Tax Act, 1952, as paid out of profits or gains to which the exemption extends rather than out of profits or gains brought into charge by virtue of this section.

(2) In the case of an assurance company, subsection (1) of section twenty-four of this Act shall not prevent the company from treating as paid out of profits or gains brought into charge

by virtue of this section any part of the annuities paid by the company which is referable to pension annuity business, in so far as that part of those annuities exceeds the profits or gains to which the exemption under that subsection extends, but those profits or gains shall be left out of account in determining how far the part not so referable of the annuities paid by the company may be treated as paid out of profits or gains brought into charge to tax.

PART III
—*cont.*

26.—(1) In determining for the purposes of the exemptions from tax conferred on registered friendly societies and registered trade unions by section four hundred and forty of the Income Tax Act, 1952, whether any such society or union is by Act of Parliament or by its rules precluded from assuring to any person a sum exceeding one hundred and four pounds a year by way of annuity, there shall be disregarded any annuities under contracts approved by the Commissioners of Inland Revenue under section twenty-two of this Act, being annuities payable wholly in return for premiums or other consideration paid by a person who (when the premiums or other consideration are or is payable) is, or would but for an insufficiency of profits or gains be, chargeable to tax in respect of relevant earnings (as defined in the said section twenty-two) from a trade, profession, vocation, office or employment carried on or held by him.

**Amendments
as to friendly
societies and
trade unions.**

(2) If, in the event of a dissolution of any such society or union, any such annuity as aforesaid ceases to be paid, or any contract for the payment of such an annuity fails in whole or in part, no payment shall be made in respect thereof out of the funds of the society or union to the annuitant or other person entitled to the benefit of the contract, but any sum which, but for this provision, would have been paid to him shall be applied in purchasing for the benefit of the annuitant an annuity (for the like term, and subject to the like conditions against surrender, commutation or assignment) from a person lawfully carrying on in the United Kingdom a business of granting annuities on human life.

(3) In the proviso to paragraph (1) of section eight and in subsection (1) of section forty-one of the Friendly Societies Act, 1896 (which restrict the benefits payable by a registered friendly society or branch by way of annuity), the word "annuity" shall be taken not to include any such annuities as are referred to in subsection (1) of this section; and, subject to the following subsection, where at the time when this section comes into force the rules of any registered friendly society or branch permit the society or branch to assure an annuity of one hundred and four pounds a year, the rules may within six months from that time

Q*

PART III
—cont.

be amended by resolution of the committee of management so as to permit the society or branch to assure additional amounts under such contracts as are so referred to.

(4) No amendment of the rules of a society or branch which is made by virtue of the last foregoing subsection shall extend to contracts entered into more than a year after the date when the amendment is registered under the Friendly Societies Act, 1896; and no such amendment shall be so registered unless the registrar to whom it is sent for registration is satisfied that the amendment (in addition to complying with the other conditions of this section)—

- (a) could not, within the six months beginning with the date when this section comes into force, have been made in the manner authorised by the rules of the society or branch, or not without summoning a special meeting of the society or branch; and
- (b) has been certified by any such actuary as is mentioned in section sixteen of the Friendly Societies Act, 1896, to be free from objection on actuarial grounds.

Annuities other than retirement annuities

Purchased
life annuities,
other than
retirement
annuities.

27.—(1) A purchased life annuity (not being of a description excepted by subsection (8) of this section) shall, for the purposes of the provisions of the Income Tax Acts relating to tax on annuities and other annual payments, be treated as containing a capital element and, to the extent of the capital element, as not being an annual payment or in the nature of an annual payment; but the capital element in such an annuity shall be taken into account in computing profits or gains or losses for other purposes of those Acts in any circumstances in which a lump sum payment would be taken into account.

(2) In the case of any purchased life annuity to which this section applies,—

- (a) the capital element shall be determined by reference to the amount or value of the payments made or other consideration given for the grant of the annuity; and
- (b) the proportion which the capital element in any annuity payment bears to the total amount of that payment shall be constant for all payments on account of the annuity; and
- (c) where neither the term of the annuity nor the amount of any annuity payment depends on any contingency other than the duration of a human life or lives, that proportion shall be the same proportion which the total amount or value of the consideration for the grant

of the annuity bears to the actuarial value of the annuity payments as determined in accordance with the next following subsection ; and

(d) where the last foregoing paragraph does not apply, the said proportion shall be such as may be just, having regard to that paragraph and to the contingencies affecting the annuity.

(3) For the purposes of the last foregoing subsection—

(a) any entire consideration given for the grant of an annuity and for some other matter shall be apportioned as appears just (but so that a right to a return of premiums or other consideration for an annuity shall not be treated for this purpose as a distinct matter from the annuity) ;

(b) where it appears that the amount or value of the consideration purporting to be given for the grant of an annuity has affected, or has been affected by, the consideration given for some other matter, the aggregate amount or value of those considerations shall be treated as one entire consideration given for both and shall be apportioned under the foregoing paragraph accordingly ; and

(c) the actuarial value of any annuity payments shall be taken to be their value as at the date when the first of those payments begins to accrue, that value being determined by reference to the prescribed tables of mortality and without discounting any payment for the time to elapse between that date and the date it is to be made.

(4) Where a person making a payment on account of any life annuity has been notified in the prescribed manner of any decision as to its being or not being a purchased life annuity to which this section applies or as to the amount of the capital element (if any), and has not been notified of any alteration of that decision, the notice shall be conclusive as to those matters for the purpose of determining the amount of tax which he is entitled or required to deduct from the payment, or for which he is chargeable in respect of it.

(5) Where a person making a payment on account of a purchased life annuity to which this section applies has not been notified in the prescribed manner of the amount of the capital element, the amount of tax which he is entitled or required to deduct from the payment, or for which he is chargeable in respect of it, shall be the same as if the annuity were not a purchased life annuity to which this section applies.

PART III
—cont.

(6) Any person carrying on a business of granting annuities on human life shall be entitled to repayment of any tax borne by him by deduction or otherwise for any year of assessment up to the amount of tax which, if this section had not been passed, he would have been entitled to deduct and retain on making payments due in that year of assessment on account of life annuities and which in accordance with this section he has not deducted.

(7) For the purposes of this section. “life annuity” means an annuity payable for a term ending with (or at a time ascertainable only by reference to) the end of a human life, whether or not there is provision for the annuity to end during the life on the expiration of a fixed term or on the happening of any event or otherwise, or to continue after the end of the life in particular circumstances, and “purchased life annuity” means a life annuity granted for consideration in money or money’s worth in the ordinary course of a business of granting annuities on human life.

(8) This section shall not apply—

- (a) to any annuity which would, apart from this section, be treated for the purposes of the provisions of the Income Tax Acts relating to tax on annuities and other annual payments as consisting to any extent in the payment or repayment of a capital sum ; or
- (b) to any annuity where the whole or part of the consideration for the grant of the annuity consisted of sums satisfying the conditions for relief from tax under section twenty-three of this Act, or section two hundred and nineteen or section two hundred and twenty-five of the Income Tax Act, 1952 (which give relief for certain life assurance premiums and pension contributions) ; or
- (c) to any annuity purchased in pursuance of any direction in a will, or to provide for an annuity payable by virtue of a will or settlement out of income of property disposed of by the will or settlement (whether with or without resort to capital) ; or
- (d) to any annuity purchased under or for the purposes of any sponsored superannuation scheme (as defined in subsection (10) of section twenty-two of this Act), or any scheme approved under that section, or in pursuance of any obligation imposed, or offer or invitation made, under or in connection with any such scheme, or to any other annuity purchased by any person in recognition of another’s services (or past services) in any office or employment.

(9) As respects tax for the year 1956-57 and subsequent years of assessment, this section shall extend to life annuities whenever purchased or commencing (and the references to sections two hundred and nineteen and two hundred and twenty-five of the Income Tax Act, 1952, shall be construed accordingly); but for the purpose of subsections (4) and (5) of this section any notice given before the sixth day of October, nineteen hundred and fifty-six, of a decision as to an annuity being or not being a purchased life annuity to which this section applies or as to the amount of the capital element (if any), shall be treated as given on that day.

PART III
—cont.

Supplementary

28.—(1) Relief shall not be given under section twenty-three of this Act in respect of a qualifying premium except on a claim made to and allowed by the surveyor, and any question whether an annuity is a purchased life annuity to which section twenty-seven of this Act applies, or what is the capital element in such an annuity, shall be determined by the surveyor: Procedure.

Provided that any person aggrieved by any decision of the surveyor on any such claim may appeal within the prescribed time either to the General Commissioners or to the Special Commissioners, and any person aggrieved by any decision of the surveyor on any such question as to a purchased life annuity may appeal within the prescribed time to the Special Commissioners.

(2) Save as otherwise provided in this Part of this Act, the procedure to be adopted in giving effect thereto shall be such as may be prescribed.

(3) The Commissioners of Inland Revenue may by statutory instrument make regulations for prescribing anything which is to be prescribed under this Part of this Act; and the regulations may apply for the purposes of this Part of this Act or of the regulations any provision of the Income Tax Acts (with or without modifications), and in particular the provisions of section sixty-four of the Income Tax Act, 1952, as to the statement of a case on a point of law for the opinion of the High Court.

(4) Regulations under the last foregoing subsection may in particular make provision as to the time limit for making any claim for relief from or repayment of tax under this Part of this Act, and (for the purposes of the last foregoing section) as to all or any of the following matters, that is to say,—

(a) as to the information to be furnished in connection with the determination of any question whether an annuity is a purchased life annuity to which that section

PART III
—*cont.*

applies, or what is the capital element in an annuity, and as to the persons who may be required to furnish any such information ;

(b) as to the manner of giving effect to the decision on any such question, and (notwithstanding anything in section one hundred and sixty-nine of the Income Tax Act, 1952) as to the making of assessments for the purpose on the person entitled to the annuity ;

(c) as to the extent to which the decision on any such question is to be binding, and the circumstances in which it may be reviewed.

(5) If any person, for the purpose of obtaining for himself or any other person any relief from or repayment of tax under this Part of this Act, knowingly makes any false statement or false representation, he shall be liable to a penalty of five hundred pounds.

PART IV

THE PROFITS TAX

Increase of
profits tax.

29.—(1) As from the end of March, nineteen hundred and fifty-six, the enactments relating to the profits tax shall be amended by substituting—

(a) thirty per cent. for twenty-seven and a half per cent. as the rate of any tax not being a distribution charge ; and

(b) twenty-seven per cent. for twenty-five per cent. as the rate of any relief for non-distribution.

(2) As from the end of that month, the rate of any distribution charge under the said enactments shall be twenty-seven per cent. :

Provided that—

(a) the amount on which the charge is at that rate for any chargeable accounting period of a trade or business shall not, when added to the total of the amounts, if any, on which for previous chargeable accounting periods there have fallen to be made distribution charges at that rate (including so much of any distribution charge partly at that rate and partly not as is at that rate), exceed the total of the amounts on which reliefs for non-distribution have been given at that rate for previous chargeable accounting periods ; and

(b) on the amount on which under the foregoing proviso the charge cannot be at that rate, it shall be at the rate or rates determined in accordance with paragraph 1 of the Second Schedule to the Finance (No. 2) Act, 1955.

(3) As respects accounting periods of a trade or business ending after the end of the said month, the said enactments shall have effect subject to the provisions contained in the Fourth Schedule to this Act.

30.—(1) A grouping notice may not be given by a principal company as respects a subsidiary of it unless each of them is engaged in carrying on a trade or business, or each of them was so engaged at the beginning of the chargeable accounting period specified in the notice as the first of the periods as respects which the notice is to have effect; nor shall a grouping notice validly given by a principal company as respects a subsidiary of it continue in force after either of them has ceased to be so engaged or to be resident in the United Kingdom (but so that its lapsing shall not revive any previous notice which had ceased to be in force by reason of the giving thereof).

Groups of
companies.

(2) The chargeable accounting period specified in a grouping notice as the first of the periods as respects which the notice is to have effect may not be a period ending before the date on which the principal company became entitled to give the notice; and if, when a grouping notice has been given, the Commissioners of Inland Revenue, under subsection (4) of section thirty-eight of the Finance Act, 1947, divide the period so specified therein, the notice shall have effect as if for the period so specified there were substituted the first of the periods into which it is divided which ends on or after that date.

(3) Where, as respects a chargeable accounting period of a body corporate,—

- (a) there is in force a grouping notice given by it as a principal company or given as respects it as a subsidiary; but
- (b) it is within the exemption from profits tax conferred by subsection (2) or (3) of section thirty-one of the Finance Act, 1947 (which relate to bodies corporate whose income is apportioned to their members for purposes of surtax);

then as respects that chargeable accounting period of the said body corporate, and as respects the corresponding chargeable accounting period of the other body corporate by or as respects which the notice was given, the following enactments shall not have effect by virtue of the notice in relation to the profits or losses, franked investment income or distributions of those bodies corporate, namely,—

- (i) subsection (2) of section twenty-two of the Finance Act, 1937 (which provides for profits or losses of a subsidiary to be treated as profits or losses of the principal company); and

PART IV
—*cont.*

(ii) subsection (1) of section thirty-eight of the Finance Act, 1947 (which makes complementary provision about franked investment income and about distributions).

(4) Where a grouping notice given by a principal company as respects a subsidiary of it is in force for any chargeable accounting period of the subsidiary, but (by virtue of the last foregoing subsection) subsection (1) of the said section thirty-eight does not apply as respects that period by reason of the principal company being within the said exemption for its corresponding chargeable accounting period, then subsection (2) of the said section thirty-eight (which in certain circumstances treats non-distribution reliefs given to a subsidiary as given to the principal company), shall, as respects any subsequent chargeable accounting period of the principal company, have effect in relation to the said chargeable accounting period of the subsidiary as it would have effect in relation to a chargeable accounting period before the notice came into force.

(5) For the purposes of section sixty-nine of the Finance Act, 1948 (which relates to payments between interconnected companies)—

(a) any grouping notice given by or as respects a body corporate shall be disregarded in relation to payments made by that body corporate while it is within the said exemption ; and

(b) any grouping notice given as respects a body corporate shall be disregarded in relation to payments made to it during any chargeable accounting period if the principal company giving the notice is within the said exemption for its corresponding chargeable accounting period.

(6) A body corporate shall not be within the said exemption for any chargeable accounting period if, as respects that period,—

(a) there is in force a grouping notice given by it as a principal company or given as respects it as a subsidiary ; and

(b) the principal company giving that notice so elects by notice in writing given to the Commissioners of Inland Revenue.

A notice of election under this subsection shall be given within six months of the end of the chargeable accounting period for which the election is made or such longer time as those Commissioners may allow ; but any election made under this subsection shall have effect not only for the chargeable accounting period for which it is made but also for any subsequent chargeable accounting period of the same body corporate, until such time

as no grouping notice given by it or as respects it is in force, and where a new grouping notice is given as respects that body corporate by a different principal company while the election is in force, the election shall have effect as if duly made by the principal company giving the new grouping notice.

PART IV
—cont.

(7) For the purposes of this section, "grouping notice" means a notice given under subsection (1) of section twenty-two of the Finance Act, 1937, but a grouping notice given by a principal company as respects more than one subsidiary shall be treated as a separate notice as respects each subsidiary.

(8) Subsections (1) and (2) of this section shall be deemed to have had effect as from the eighteenth day of April, nineteen hundred and fifty-six; and subsections (3) to (6) of this section shall have effect as respects all chargeable accounting periods of any body corporate in so far as those periods are affected either—

- (a) by a grouping notice given on or after the said eighteenth day of April; or
- (b) by the operation of subsection (2) or (3) of section thirty-one of the Finance Act, 1947, as respects a chargeable accounting period of a body corporate ending on or after that day.

31.—(1) Subject to the following provisions of this section, the proviso to subsection (1) of section thirty-six of the Finance Act, 1947 (which directs that sums applied in repaying loans or in reducing share capital shall not be treated as distributions for the purposes of the profits tax), shall not have effect in relation to any sum applied on or after the relevant date in reducing a body corporate's share capital, in so far as that sum exceeds the amount of the reduction made in the total nominal amount of the body's paid-up share capital.

Extent to which sums applied in reducing share capital &c. are to be treated as distributions.

(2) Subject as aforesaid, the said proviso, in the case of a body corporate the directors whereof have a controlling interest therein, shall not have effect in relation to any sum applied on or after the relevant date in or towards repayment of a loan, in so far as that sum exceeds the amount of the loan (that is to say, the net amount or value received by the borrower) or so much of that amount as remains after deducting any sums previously applied in or towards repayment of the loan.

(3) Sums which by virtue of subsection (1) or subsection (2) of this section are to be treated as part of the gross relevant distributions to proprietors of a body corporate shall not be treated as applied in reducing capital for the purposes of section thirty-one of the Finance Act, 1951 (under which a capitalisation of distributable sums and a reduction of capital are in certain cases to be treated as together amounting to a distribution).

PART IV
—cont.

(4) Where a body corporate having a share premium account applies the whole or part of that account in providing for premiums payable on redemption of any redeemable preference shares, then—

- (a) the part so provided of the sum applied in redeeming those shares shall be left out of account in determining under subsection (1) of this section to what extent (if any) the said sum exceeds the amount of the reduction made in the total nominal amount of the body's paid-up share capital ; but
- (b) if in consequence of the foregoing paragraph there is a reduction in the amount of the body's gross relevant distributions to proprietors for the chargeable accounting period in question, then a reduction of the same amount shall be made in the amount of the premiums which fall to be taken into account under subsection (1) of section thirty-five of the Finance Act, 1947, for the purpose of arriving at the limitation imposed by that subsection on the distributions which are to be treated for the purposes of paragraph (c) thereof as distributions of capital.

In this subsection, "share premium account" means, in relation to a body corporate which is not a company within the meaning of the Companies Act, 1948, any separate reserve or account or part thereof which represents premiums received on the issue of shares and which under the law governing the management of the body's affairs has a purpose corresponding to that of a share premium account under section fifty-six of the last-mentioned Act.

(5) Where immediately before the sixteenth day of April, nineteen hundred and forty-seven, the terms on which any redeemable preference shares had been issued by a body corporate, or on which any loan had been made to a body corporate, (or if those terms had been varied before that day, the terms as so varied) conferred on the body corporate a right or imposed on the body corporate an obligation to redeem the shares or repay the loan at a premium, and the body corporate in pursuance of that right or obligation applies any sum on or after the relevant date in redeeming the shares or in or towards repayment of the loan, the foregoing provisions of this section shall apply as if the nominal amount of the shares or the amount of the loan, as the case may be, had been equal to the total amount required in pursuance of that right or obligation to be paid on redemption or repayment :

Provided that, where the said right or obligation is or has been varied on or after the said sixteenth day of April, this subsection shall not apply unless the variation is or was limited to

increasing or reducing the said total amount, and shall apply in that case as if the said total amount had at no time exceeded the least amount required in pursuance of the said right or obligation as in force immediately before the said sixteenth day of April or at any time subsequently.

PART IV
—*cont.*

(6) Where immediately before the sixteenth day of April, nineteen hundred and forty-seven, the rights attached to any issued shares of a body corporate included any right of priority as respects capital for a sum in excess of the nominal amount of the shares (not being, in the case of redeemable preference shares, a right only to a premium on redemption), and by virtue of that right a sum in excess of the said nominal amount is paid in respect of the shares, then for the purposes of subsection (1) of this section or of subsection (1) of section thirty-five of the Finance Act, 1947, those shares shall be taken as being of a nominal amount equal to the sum so paid, but for the purposes of subsection (1) of the said section thirty-five the excess of that sum over the nominal amount of the shares shall, if those or any other shares were or are issued by the body corporate at a premium for cash, be deducted from the amounts of the premiums:

Provided that, where the rights as respects capital attached to the shares are or have been varied on or after the said sixteenth day of April, this subsection shall not apply so as to treat them as being of a nominal amount greater than the least amount for which a right of priority shall have attached thereto on that day or at any time subsequently.

(7) In this section, "the relevant date" means the eighteenth day of April, nineteen hundred and fifty-six.

PART V

DEATH DUTIES

32.—(1) Where, in the case of a death occurring after the coming into force of this section,—

- (a) any settled property (other than property comprised in a settlement made by the deceased or made, directly or indirectly, at his expense or out of funds provided by him) passes on the death by reason of the termination of an interest limited to cease on the death; and
- (b) at the time of the death there is payable out of the income of the settled property so passing an annuity not so limited, but limited by the settlement to cease on another death;

Settled
property
charged with
annuity.

then to the extent of the annuitant's interest in the settled property, that is to say (subject to the next following subsection) to

PART V
—cont.

the extent to which a benefit would have been treated for the purposes of estate duty as accruing or arising by the cesser of the annuity immediately before that death, the settled property shall be deemed for the purposes of estate duty on that or any subsequent death not to pass on that death by reason of the termination of the interest limited to cease on that death.

(2) For the purposes of the last foregoing subsection, the extent of the annuitant's interest in the settled property, where the annuity is so limited as to be reduced in amount (but not to cease) on the death, shall be determined by reference to the reduced amount of the annuity, as if the reduction had taken effect before the death.

(3) Where immediately before a death an annuity limited by a settlement to cease on that death, or any part of such an annuity, is payable out of the income of the settled property, and is so payable for his own benefit to a person who on the death becomes beneficially entitled in possession to some other interest in the settled property or the income thereof, then subsection (1) of this section shall apply in relation to the passing of the settled property on that death as if the annuity or that part of it had been an annuity not limited to cease on that death, but limited by the settlement to cease on a subsequent death:

Provided that the proportion of the settled property which by reason of that annuity is deemed not to pass on the death shall not exceed the proportion of the income to which, if the interests subsisting at the time of the death had been the same interests as subsisted immediately after the cesser of the annuity, the said person's interest would have been treated as extending for purposes of estate duty, had it been he who died.

(4) Settled property which, under subsection (1) of this section, is to any extent deemed not to pass on a death by reason of the termination of an interest limited to cease on that death shall not in consequence be deemed to pass on that death by reason only of the deceased's having been competent to dispose of it:

Provided that where an interest in settled property devolves on the deceased's personal representatives as assets for the payment of his debts, duty shall be chargeable in respect of that interest as if this subsection had not been passed.

(5) Subsection (1) of this section shall not apply to any settled property of which the deceased has been competent to dispose and has disposed by the exercise of a power conferred by the settlement.

(6) Where, on the death of a tenant in tail in possession within the meaning of the Settled Land Act, 1925, any settled property passes to the heir under the entail or, in default of such an heir,

to a person entitled in remainder under the settlement, the foregoing provisions of this section shall apply as if the property passed by reason of the termination of an interest limited to cease on the death.

PART V
—*cont.*

(7) This section shall apply to property which, by virtue of section forty-three of the Finance Act, 1940, is deemed to pass on a death under section one of the Finance Act, 1894, by reason of a disposition or determination of an interest limited to cease on that death within the meaning of the said section forty-three, as if that property passed on the death by reason of the termination of that interest ; but save as aforesaid this section shall not apply to reduce the extent to which any property not passing on a death is, apart from this section, to be deemed to pass on that death.

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

- (a) any reference to a settlement shall include a reference to an entail and “settled property” shall be construed accordingly ;
- (b) any reference to an interest in settled property limited to cease on a death shall include a reference to the interest in such property of an institute or heir of entail ; and
- (c) subsection (6) shall be omitted ;

and where an annuity payable out of the income of entailed property is limited to cease on a death by any provision made in exercise of powers conferred by the entail, or conferred by any enactment relating to entails, the annuity shall be deemed for the purposes of this section in its application to Scotland to be limited as aforesaid by the entail.

33.—(1) This section shall have effect where estate duty has been paid, or is payable, in respect of an interest in land in Great Britain and, in pursuance of a notice to treat served, or of an agreement made, not more than five years after the date as at which the interest was valued for the purposes of that duty, that interest is compulsorily acquired by, or sold to, a public authority possessing compulsory purchase powers. **Relief in cases of compulsory purchase.**

(2) If it is proved to the satisfaction of the Commissioners of Inland Revenue—

- (a) that the duty has been paid, or is payable, in respect of the whole of the interest ; and
- (b) that the persons to whom the interest passed beneficially on the death on which the duty was payable were the same persons as were beneficially interested therein at the date of acquisition, and the beneficial interests

PART V
—cont.

which they respectively took on the death were the same beneficial interests as they respectively had at the date of acquisition ; and

- (c) that the interest was the same in all respects and with the same incidents at the date of acquisition and at all dates relevant for the purpose of ascertaining the duty ; and
- (d) that the land in which the interest subsisted was in the same state and with the same incidents and held with the same land at the date of acquisition and at all dates relevant for the purpose of ascertaining the duty ; and
- (e) that the duty fell or falls to be wholly borne by the persons who were beneficially interested at the date of the acquisition according to the respective interests which they then had ; and
- (f) that the acquisition did not operate to sever the land from land with which it was held at any of the dates relevant for the purpose of ascertaining the duty,

the amount of duty payable in respect of the interest shall, where necessary, be reduced by repayment or remission of duty so as not to exceed the amount which would have been payable in respect thereof if the principal value of the interest had been equal to the amount of the compensation or price payable for the purchase thereof, including, in the case of compensation, any additional compensation to be paid under Part III of the Town and Country Planning Act, 1954, or Part III of the Town and Country Planning (Scotland) Act, 1954.

(3) If, after the date as at which the interest was valued for the purpose of estate duty—

- (a) a restriction was imposed on the use or development of the land in which the interest subsisted, or any other decision was made affecting the land, and
- (b) compensation became payable to the persons to whom the interest passed beneficially on the death in respect of the imposition of the restriction or the making of the decision,

the restriction or decision shall not be regarded for the purposes of paragraph (d) of the last foregoing subsection as constituting a new incident but the amount of the compensation shall be added to the compensation or price payable for the purchase of the interest and the relief available under that subsection shall be reduced accordingly ; and where, after the date as at which the interest was valued for the purposes of estate duty, any compensation which had been paid in respect of the imposition of such a restriction or the making of such a decision became

recoverable from those persons in consequence of the modification of the restriction or decision, the amount recoverable shall be subtracted from the compensation or price payable for the purchase of the interest and the relief available under subsection (2) of this section shall be increased accordingly.

PART V
—cont.

(4) Where the Commissioners are satisfied that the provisions of subsection (2) of this section would have had effect but for all or any of the following facts, that is to say—

- (a) that the requirement in paragraph (a) thereof is not fulfilled in that the duty was paid or payable on part of the interest only ; or
- (b) that one or more of the requirements respectively specified in paragraphs (b) to (e) thereof are only partly fulfilled ; or
- (c) that the requirement in paragraph (f) thereof is not fulfilled,

they may grant to any of the persons paying or bearing any of the duty such relief by repayment or remission of duty as may seem to them just and reasonable.

(5) For the purposes of this section—

“ date of acquisition ” means—

(a) in the case of a compulsory acquisition, the date of the service of the notice to treat, and

(b) in the case of an acquisition by agreement, the date of the making of the agreement ;

“ public authority possessing compulsory purchase powers ” has the meaning for the time being assigned to it by the Town and Country Planning Act, 1954, or, as the case may be, the Town and Country Planning (Scotland) Act, 1954 ;

and an interest which is limited to expire, or is subject to an interest which is limited to expire, shall not be regarded as being the same in all respects at different dates.

(6) This section shall extend to cases where an interest in land was valued for the purposes of estate duty as at a date before the passing of this Act but on or after the eighteenth day of November, nineteen hundred and fifty-two, and shall apply to such cases whether or not the date of acquisition fell before the passing of this Act and whether or not section fifty-seven of the Finance (No. 2) Act, 1945 (which in cases comparable to those to which this section relates afforded relief where the compensation did not reflect any special value attributable to vacant possession), also applied :

PART V
—*cont.*

Provided that any payment to the persons beneficially entitled to the interest in respect of which relief is to be given which is made—

- (a) under section five or eleven of the Town and Country Planning Act, 1954 (which relate to cases where land was sold before the commencement of that Act), or
- (b) under section five or eleven of the Town and Country Planning (Scotland) Act, 1954, (which relate to corresponding cases),

in consequence of its acquisition by the authority possessing compulsory purchase powers shall be treated for the purposes of this section as if it had formed part of the compensation or price payable on the acquisition.

Acceptance of works of art in satisfaction of death duties, and amendment as to exemption.

34.—(1) The power of the Commissioners of Inland Revenue to accept property other than land in satisfaction of estate duty or settlement estate duty shall, without prejudice to the power under section thirty of the Finance Act, 1953, to accept objects associated with certain buildings, include power to accept any work of art which the Treasury are satisfied is pre-eminent for its aesthetic merit or historical value; and subsections (2) and (3) of the said section thirty (which regulate matters arising out of acceptances under that section) shall apply in the same way to acceptances under this section.

(2) Section forty-four of the Finance Act, 1921, and the proviso to subsection (2) of section forty of the Finance Act, 1930 (which provide that death duties shall not become chargeable in respect of certain property on the sale thereof to the National Gallery, British Museum, or certain other institutions therein mentioned), shall have effect as if the references to such a sale included a reference to a sale after the passing of this Act to the Minister of Works, where he buys under the powers conferred by section five of the Historic Buildings and Ancient Monuments Act, 1953.

Aggregation of certain annuity contracts, etc.

35. Where the property passing on the death of any person either includes any contract approved by the Commissioners of Inland Revenue under section twenty-two of this Act, being a contract providing for an annuity to become payable on the death to any widow, widower or other dependant of that person, or includes any annuity so payable under such a contract, then the contract so passing, in so far as it provides for payment of that annuity, or the annuity so passing, as the case may be, shall be treated for purposes of estate duty on that death as a life insurance within the meaning of subsection (2) of section thirty-three of the Finance Act, 1954 (which makes special provision as to aggregation in the case of policies of assurance in which the

deceased never had an interest), and shall be so treated whether or not the deceased at any time had an interest therein.

PART V
—*cont.*

36.—(1) In subsection (2) of section thirty-two of the Finance Act, 1954 (which relates to the exemption from estate duty of property passing on the death of a surviving spouse, when duty has been paid on the death of the other spouse or would have been if the duty were payable on estates of however small a principal value), for the words “but would have been if the duty were payable on estates of however small a principal value” there shall be substituted the words “by reason only of the property being or forming part of an estate of too small a principal value or of no principal value”.

Settled
property
passing on
death of
husband
and wife.

(2) This section shall apply where the second death occurs after the commencement of this Act, whether or not the first death occurred after that commencement.

PART VI

STAMP DUTIES

37.—(1) Subject to the following provisions of this section,—

Conveyances
on sale.

- (a) section seventy-three of the Finance (1909-10) Act, 1910 (which doubled stamp duties chargeable on conveyances and transfers on sale), shall not apply in any case where the amount or value of the consideration for the sale does not exceed three thousand five hundred pounds and the instrument contains the appropriate certificate ;
- (b) Part VI of the Finance Act, 1947, so far as it increases any duty chargeable under or by reference to the heading “Conveyance or Transfer on sale” in the First Schedule to the Stamp Act, 1891, shall not apply in any case where that amount or value does not exceed four thousand two hundred and fifty pounds and the instrument contains the appropriate certificate ; and
- (c) in a case where the amount or value of the consideration does not exceed five thousand pounds and the instrument contains the appropriate certificate, the said Part VI, so far as it increases any such duty as aforesaid, shall have effect (unless its application is excluded by the last foregoing paragraph) as if it directed the duty to be one-and-a-half times (instead of double) the duty which would have been chargeable immediately before the first day of August, nineteen hundred and forty-seven.

(2) The foregoing provisions of this section shall not affect any duty chargeable under or by reference to the said heading as it applies to a conveyance or transfer of stock or marketable

PART VI
—*cont.*

securities, or any duty chargeable by reference to that heading by virtue of the heading "Lease or Tack" in the said First Schedule where part of the consideration consists of rent and that rent exceeds the sum of twenty pounds a year.

(3) For the purposes of the foregoing provisions of this section, the appropriate certificate is a statement certifying that the transaction effected by the instrument does not form part of a larger transaction, or of a series of transactions, in respect of which the amount or value, or the aggregate amount or value, of the consideration exceeds three thousand five hundred, four thousand two hundred and fifty, or five thousand pounds, according as the certificate is that referred to in paragraph (a), (b) or (c) of subsection (1) of this section; but any such statement shall be construed as leaving out of account any matter which, in accordance with the next following subsection, is to be disregarded for the purposes of the said subsection (1).

(4) For the purposes of subsection (1) of this section any sale or contract or agreement for the sale of goods, wares or merchandise shall be disregarded in the case of—

(a) any instrument chargeable under the heading "Conveyance or Transfer on sale" in the First Schedule to the Stamp Act, 1891, other than an actual conveyance or transfer of the goods, wares or merchandise (with or without other property); or

(b) any instrument chargeable by reference to that heading under section fifty-nine of that Act (which makes a contract or agreement for sale of certain property chargeable with duty as if it were an actual conveyance on sale).

(5) In this section, any reference to the amount or value of any consideration shall be construed—

(a) in relation to duty chargeable on a conveyance or transfer operating as a voluntary disposition *inter vivos*, as a reference to the value of the property; and

(b) in relation to duty chargeable by virtue of the said heading "Lease or Tack", as a reference to the amount or value of the consideration in money, stock or security, other than rent.

(6) This section shall have effect from the first day of August, nineteen hundred and fifty-six.

Annuity contracts and life insurance policies.

38.—(1) An instrument being a grant or contract for payment of a purchased life annuity shall be chargeable with stamp duty under paragraph (3) of the heading "Bond, Covenant or Instrument of any kind whatsoever" in the First Schedule to the Stamp Act, 1891, and not otherwise, whether or not the annuity is a superannuation annuity as defined in that paragraph.

(2) Where, in the opinion of the Commissioners, any body of persons carrying on the business of granting life annuities or the business of issuing policies of life insurance so carries on that business as to render it impracticable or inexpedient to require that the stamp duties chargeable on grants or contracts for payment of such annuities or on policies of life insurance should be charged and paid on such instruments issued by the body in the course of that business, the Commissioners may enter into an agreement with that body for the delivery to the Commissioners of periodical accounts giving such particulars as may be required of those instruments.

(3) The agreement shall be in such form and shall contain such terms and conditions as the Commissioners think proper.

(4) Where an agreement has been entered into under this section between the Commissioners and any body of persons, any instrument to which the agreement relates and which contains a statement that the appropriate stamp duty has been or will be paid to the Commissioners in accordance with the provisions of this section shall not be chargeable with any stamp duty, but the aggregate of the sums which, but for the provisions of this subsection, would have been chargeable by way of stamp duty on any such instruments issued during the period to which any account delivered under the agreement relates shall, by way of composition, be paid by the body to the Commissioners on the delivery of the account.

(5) Where a body makes default in delivering any account required by any such agreement or in paying the duty payable on the delivery of any such account, the body shall be liable to a fine not exceeding fifty pounds for every day during which the default continues and shall also be liable to pay to Her Majesty, in addition to the duty, interest thereon at the rate of five per cent. per annum from the date when the default begins.

(6) In this section “purchased life annuity” means a life annuity granted for consideration in money or money’s worth in the ordinary course of a business of granting annuities on human life.

(7) This section shall have effect from the first day of August, nineteen hundred and fifty-six; and any agreement made before that date under section seventy-two of the Finance Act, 1948 (which in relation to industrial assurance policies makes provisions similar to those of subsections (2) to (5) of this section), shall be treated as having been made under this section.

39.—(1) The Commissioners may enter into an agreement with any banker for the composition, in accordance with the following provisions of this section, of the stamp duty chargeable under the heading “Bill of Exchange payable on demand”

Composition
for duty on
cheques, &c.

PART VI
—*cont.*

in the First Schedule to the Stamp Act, 1891, on such instruments—

- (a) drawn on the banker by his customers on forms supplied by him, or
- (b) drawn by the banker on himself or another banker, as may be specified in the agreement.

(2) Any such agreement shall require the banker to deliver to the Commissioners periodical accounts in respect of the instruments to which the agreement relates giving particulars—

- (a) of forms supplied by him to his customers with a view to their being completed and issued as such instruments by the customers, and of forms so supplied but returned unused or spoilt, and
 - (b) of such instruments issued by him,
- and may contain such other terms and conditions as the Commissioners think proper.

(3) Where any such agreement has been made with a banker, any instrument to which the agreement relates and which bears such indication of the payment of stamp duty as the Commissioners may require shall not be chargeable with stamp duty, but the banker shall pay to the Commissioners, on the delivery of any account under the agreement, such sums as would but for the provisions of this section have been chargeable by way of stamp duty on such instruments issued during the period to which the account relates, it being assumed for this purpose that the number of such instruments issued by his customers was equal to the number of forms supplied less the number of forms returned as mentioned in paragraph (a) of the last foregoing subsection.

(4) Where a banker makes default in delivering any account required by any such agreement or in paying the duty payable on the delivery of any such account, he shall be liable to a fine not exceeding fifty pounds for any day during which the default continues and shall also be liable to pay to Her Majesty, in addition to the duty, interest thereon at the rate of five per cent. per annum from the date when the default begins.

PART VII

MISCELLANEOUS

Indian,
Pakistan and
colonial
pensions
(income tax
and estate
duty).

40.—(1) A pension of any of the following descriptions, that is to say—

- (a) a pension paid under the authority of the Pensions (India, Pakistan and Burma) Act, 1955,
- (b) a pension paid out of any fund established in the United Kingdom by the Government of any country which is,

or forms part of, a colony, protectorate, protected state or United Kingdom trust territory or by a Government constituted for two or more such countries, if the fund was established for the sole purpose of providing pensions, whether contributory or not, payable in respect of service under that Government,

- (c) a pension paid out of the fund formed under the Oversea Superannuation Scheme (formerly known as the Colonial Superannuation Scheme),

shall not be liable to charge to income tax if it is the income of a person who satisfies the Commissioners of Inland Revenue that he is not resident in the United Kingdom :

Provided that this subsection shall not apply to so much of any pension of the description in paragraph (a) thereof as is paid by virtue of the application to the pension of the Pensions (Increase) Acts, 1944 and 1947, the Pensions (Increase) Act, 1952, the Pensions (Increase) Act, 1954, or the Pensions (Increase) Act, 1956.

(2) Subsections (3) and (4) of section one hundred and ninety of the Income Tax Act, 1952 (which confer a right of appeal on questions of residence under that section), shall apply to any decision of the Commissioners of Inland Revenue on any question as to residence arising under the foregoing provisions of this section as they apply to such decisions under that section.

(3) Income derived from investments or deposits of any fund referred to in paragraph (b) or (c) of subsection (1) of this section shall not be charged to income tax, and any income tax deducted from any such income shall be repaid by the Commissioners of Inland Revenue to the persons entitled to receive the income.

(4) For the purposes of the enactments relating to estate duty—

(a) a pension paid under the authority of the Pensions (India, Pakistan and Burma) Act, 1955, shall be treated as if it had been paid by the Government of India or the Government of Pakistan (according as the arrangements in pursuance of which the pension is paid were made with the one or the other Government), and

(b) a pension paid out of a fund referred to in paragraph (b) of subsection (1) of this section shall be treated as if it had been paid by the Government by which the fund was established.

(5) In this section—

“pension” includes a gratuity or any sum payable on or in respect of death, and a return of contributions with

PART VII
—*cont.*

or without interest thereon or any other addition thereto ;

“ United Kingdom trust territory ” means a territory administered by the Government of the United Kingdom under the trusteeship system of the United Nations,

and references to a Government constituted for two or more countries include references to any authority established for the purpose of providing or administering services which are common to, or relate to matters of common interest to, two or more countries.

(6) Subsections (1) to (3) of this section shall have effect as respects the year 1955-56 as well as subsequent years of assessment.

Interests in unadministered estates (income tax and estate duty).

41. The liabilities which are charges on residue for the purposes of Part XIX of the Income Tax Act, 1952, and section forty-seven of the Finance Act, 1938, shall include any sum payable out of residue to which a person is entitled under the law of intestacy in any part of the United Kingdom or any other country.

Exchequer advances to nationalised industries and undertakings.

42.—(1) Any sum which any of the bodies mentioned in this section has power to borrow by the issue of stock may instead be raised by the taking of an advance from the Minister specified in the next following subsection ; and any enactment relating to any of those bodies (whether passed before or after the commencement of this Act) so far as it makes provision in relation to borrowings by the issue of stock and, in particular, provision for limiting the amount outstanding in respect of sums borrowed, shall with the necessary modifications apply in relation to advances made to that body under this section.

(2) Advances under this section may be made—

- (a) to the Central Electricity Authority and the Gas Council, by the Minister of Fuel and Power ;
- (b) to the British Transport Commission, the British Overseas Airways Corporation and the British European Airways Corporation, by the Minister of Transport and Civil Aviation ;
- (c) to the North of Scotland Hydro-Electric Board and the South of Scotland Electricity Board, by the Secretary of State,

and the Treasury may issue to those Ministers, out of the Consolidated Fund, such sums as are necessary to enable them to make the advances.

(3) Advances made under this section shall not together exceed the sum of seven hundred million pounds, and no such advance shall be made after the end of March, nineteen hundred and fifty-eight.

PART VII
—cont.

(4) Any advances which a Minister makes under this section shall be repaid to him at such times and by such methods, and interest thereon shall be paid to him at such rates and at such times, as he may, with the approval of the Treasury, direct.

(5) For the purpose of providing sums to be issued under subsection (2) of this section, or of providing for the replacement of sums so issued, the Treasury may at any time, if they think fit, raise money in any manner in which they are authorised to raise money under the National Loans Act, 1939, and any securities created and issued to raise money under this subsection shall be deemed for all purposes to have been created and issued under that Act.

(6) Any sums received by a Minister under subsection (4) of this section shall be paid into the Exchequer and shall be issued out of the Consolidated Fund at such times as the Treasury may direct, and shall be applied by the Treasury as follows, that is to say,—

- (a) so much thereof as represents principal shall be applied in redeeming or paying off debt of such description as the Treasury think fit ; and
- (b) so much thereof as represents interest shall be applied towards meeting such part of the annual charges for the national debt as represents interest.

(7) Each of the Ministers mentioned in subsection (2) of this section shall, as respects each financial year, prepare in such form and manner as the Treasury may direct an account of sums issued to him under subsection (2) of this section and of sums received by him under subsection (4) of this section and of the disposal by him of those sums respectively, and send it to the Comptroller and Auditor General not later than the end of November following the year ; and the Comptroller and Auditor General shall examine, certify and report on the account and lay copies of it, together with his report, before each House of Parliament.

43.—(1) If the terms of issue of any securities issued under the National Loans Act, 1939, provide for the making of payments in respect of those securities other than payments of principal and interest, the sums required to meet those payments shall be charged on and issued out of the Consolidated Fund.

Amendment
of National
Loans Act,
1939.

(2) Nothing in any enactment relating to lotteries shall be taken to apply in relation to securities issued under the National

PART VII
—*cont.*

Loans Act, 1939, by reason of any use or proposed use of chance to select particular securities for special benefits, if the terms of the issue provide that the amount subscribed is to be repayable in full in the case of all the securities.

Short title, etc

44.—(1) This Act may be cited as the Finance Act, 1956.

(2) Part I of this Act, except so far as it relates to purchase tax, shall be construed as one with the Customs and Excise Act, 1952, and so far as it relates to purchase tax, shall be construed as one with Part V of the Finance (No. 2) Act, 1940.

(3) Part II of this Act, except in so far as it does not relate to income tax, and Part III of this Act shall be construed as one with the Income Tax Acts.

(4) Part II of this Act, in so far as it relates to the profits tax, and Part IV of this Act shall be construed as one with Part III of the Finance Act, 1937, and the other enactments relating to the profits tax.

(5) Part V of this Act shall be construed as one with Part I of the Finance Act, 1894.

(6) Part VI of this Act shall be construed as one with the Stamp Act, 1891.

(7) 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.

(8) Subject to the provisions of subsection (5) of section two of this Act, such of the provisions of this Act as relate to matters in respect of which the Parliament of Northern Ireland has power to make laws shall not extend to Northern Ireland.

(9) The enactments mentioned in the Fifth Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule, but in the case of those mentioned in Part II of the Schedule only from the first day of August, nineteen hundred and fifty-six, and in the case of those mentioned in Part III of the Schedule only from the first day of January, nineteen hundred and fifty-seven.

SCHEDULES

FIRST SCHEDULE

Section 1.

TOBACCO (RATES OF DUTY AND DRAWBACK)

PART I

Customs Duties

Description of Tobacco	Rates of duty per pound	
	Full rates	Preferential rates
	£ s. d.	£ s. d.
Tobacco unmanufactured—		
containing 10 lbs. or more of moisture in every 100 lbs. weight thereof—		
unstripped	3 1 2	2 19 7½
stripped	3 1 2½	2 19 7½
containing less than 10 lbs. of moisture in every 100 lbs. weight thereof—		
unstripped	3 2 2	3 0 5½
stripped	3 2 2½	3 0 5½
Tobacco manufactured, viz. :—		
Cigars	3 11 1	3 8 1½
Cigarettes	3 6 8	3 4 3½
Cavendish or Negrohead	3 5 8	3 3 5
Cavendish or Negrohead manufactured in bond	3 3 8	3 1 8½
Other manufactured tobacco	3 3 11	3 1 11½
Snuff—		
containing more than 13 lbs. of moisture in every 100 lbs. weight thereof	3 3 2	3 1 3½
containing not more than 13 lbs. of moisture in every 100 lbs. weight thereof	3 5 8	3 3 5

PART II

Excise Duties

Description of Tobacco	Rates of duty per pound
	£ s. d.
Tobacco unmanufactured—	
containing 10 lbs. or more of moisture in every 100 lbs. weight thereof	2 19 5½
containing less than 10 lbs. of moisture in every 100 lbs. weight thereof	3 0 3½
Tobacco manufactured, viz. :—	
Cavendish or Negrohead manufactured in bond	3 1 8½

R

1ST SCH.
—cont.

PART III
Drawback

Description of Tobacco	Rates per pound	
	In respect of tobacco on which full customs duty has been paid	In respect of tobacco on which customs duty at a preferential rate or excise duty has been paid
	£ s. d.	£ s. d.
Cigars	3 5 6	3 3 11½
Cigarettes	3 2 2	3 0 7½
Cut, roll, cake or other manufactured tobacco	3 1 11	3 0 4½
Snuff (not being offal snuff)	3 1 8	3 0 1½
Stalks, shorts or other refuse of tobacco, including offal snuff	3 1 5	2 19 10½

Section 10.

SECOND SCHEDULE

OFFICES AND EMPLOYMENTS (PROVISIONS APPLICABLE TO CASES I, II AND III OF SCHEDULE E)

General

1.—(1) Tax under Case I, II or III shall, except as hereinafter mentioned, be chargeable on the full amount of the emoluments falling under that Case, subject to such deductions only as may be authorised by the Income Tax Acts, and the expression “emoluments” shall include all salaries, fees, wages, perquisites and profits whatsoever.

(2) Tax under Case III shall be chargeable, whether or not tax is chargeable in respect of the same office or employment under Case I or II, but shall not be chargeable on any emoluments falling under Case I or II for the same or another year of assessment (or on any emoluments charged under Schedule E for a year of assessment earlier than the year 1956-57).

Expenses and capital allowances

2.—(1) Subject to the following sub-paragraph, where the emoluments for any duties do not fall under Case I or II, then in relation to those or any other emoluments of the office or employment Chapter II of Part X of, and paragraph 7 of the Ninth Schedule to, the Income Tax Act, 1952, shall apply as if the performance of those duties did not belong to that office or employment.

(2) There may be deducted from any emoluments chargeable under Case III the amount of any expenses defrayed out of those emoluments, and of any other expenses defrayed in the United Kingdom in the year of assessment or in an earlier year in which the holder of the office or employment has been resident in the United Kingdom,

being in either case expenses for which a deduction might have been made under the said paragraph 7 from emoluments of the office or employment if they had been chargeable under Case I for the year when the expenses were incurred; but a deduction shall not be twice made, whether under this sub-paragraph or otherwise, in respect of the same expenses from emoluments of the office or employment.

2ND SCH.
—cont.

Provisions defining scope of charge

3. For the purposes of Cases I, II and III, a person who is in the United Kingdom for some temporary purpose only and not with the intention of establishing his residence there shall not be treated as resident in the United Kingdom if he has not in the aggregate spent at least six months in the United Kingdom in the year of assessment, but shall be treated as resident there if he has.

4. Where a person ordinarily performs the whole or part of the duties of his office or employment in the United Kingdom, then for the purposes of Cases I and II his emoluments for any period of absence from the office or employment shall be treated as emoluments for duties performed in the United Kingdom, except in so far as it is shown that, but for that absence, they would have been emoluments for duties performed outside the United Kingdom.

5. Where an office or employment is in substance one of which the duties fall in the year of assessment to be performed outside the United Kingdom, then for the purposes of Cases I and II (including the purposes of this Schedule so far as it relates to those Cases), there shall be treated as so performed any duties performed in the United Kingdom the performance of which is merely incidental to the performance of the other duties outside the United Kingdom.

6. For the purposes of Cases I and II (including the purposes of this Schedule so far as it relates to those Cases), the following duties shall be treated as performed in the United Kingdom, namely—

- (a) the duties of any office or employment under the Crown which is of a public nature and of which the emoluments are payable out of the public revenue of the United Kingdom or of Northern Ireland; and
- (b) any duties which a person performs on a vessel engaged on a voyage not extending to a port outside the United Kingdom, or which a person resident in the United Kingdom performs on a vessel or aircraft engaged on a voyage or journey beginning or ending in the United Kingdom, or on a part beginning or ending in the United Kingdom of any other voyage or journey.

7.—(1) For any year of assessment for which the double taxation agreements with the Republic of Ireland are in force, any duties of an office or employment performed in that Republic by a person resident in the United Kingdom shall be treated for the purposes of Cases I and II (including the purposes of this Schedule so far as it relates to those Cases) as performed in the United Kingdom, but there shall be deducted from any emoluments chargeable by virtue only of this paragraph any annual interest or any annuity or other annual payment payable out of the emoluments to a person not resident in the United Kingdom.

2ND SCH.
—cont.

(2) For any such year of assessment, a person resident in that Republic, but not resident in the United Kingdom, shall not be chargeable to tax under Case II.

(3) For any such year of assessment, the emoluments excepted from Cases I and II as foreign emoluments shall not include emoluments of a person resident in the United Kingdom from an office or employment under or with a person, body of persons or partnership resident in that Republic.

(4) In this paragraph, “the double taxation agreements with the Republic of Ireland” means the agreements set out in Part I of the Eighteenth Schedule to the Income Tax Act, 1952.

8. For the purposes of Case III, emoluments shall be treated as received in the United Kingdom if they are paid, used or enjoyed in or in any manner or form transmitted or brought to the United Kingdom, and section twenty-four of the Finance Act, 1953 (under which income applied outside the United Kingdom in payment of debts is, in certain cases, treated as received in the United Kingdom), shall apply as it applies for the purposes of subsection (3) of section one hundred and thirty-two of the Income Tax Act, 1952.

Application of general rules relating to Schedule E

9. The rules relating to Schedule E contained in the Ninth Schedule to the Income Tax Act, 1952, shall not apply for the purposes of Cases I, II and III, except paragraph 2 so far as it relates to persons dying, and paragraphs 7 and 8; and in relation to offices and employments references in the Income Tax Acts to paragraph 1 of the said Ninth Schedule shall be construed as referring to paragraph 1 of this Schedule.

Section 23.

THIRD SCHEDULE

RETIREMENT ANNUITIES (ADJUSTMENTS OF LIMIT ON
QUALIFYING PREMIUMS)

PART I

HOLDERS OF PENSIONABLE OFFICE OR EMPLOYMENT

1. Subject to the following paragraphs, in the case of an individual who is the holder of a pensionable office or employment, the proviso to subsection (1) of section twenty-three of this Act shall have effect with the substitution for the references to seven hundred and fifty pounds of references to seven hundred and fifty pounds less one-tenth of his pensionable emoluments for the year of assessment.

2. Where an individual is the holder of a pensionable office or employment during part only of the year of assessment, then—

- (a) the foregoing paragraph shall not apply if the condition in paragraph (a) of subsection (1) of section twenty-two of this Act is not satisfied at any time during that part of the year; but
- (b) if the condition is satisfied at such a time and is also satisfied at a time during the remainder of the year, the foregoing paragraph shall apply but for one-tenth there shall be substituted therein such less proportion as may be just.

3. For the purposes of this Part of this Schedule an individual's pensionable emoluments for any year of assessment shall be taken to be the amount, estimated in accordance with the provisions applicable to Case I of Schedule E, of any income of his for the year (but not including in the case of a married man income of his wife), being either—

3RD SCH.
—cont.

- (a) income arising in respect of remuneration from any pensionable office or employment ; or
- (b) income from any property which is attached to or forms part of the emoluments of any pensionable office or employment.

PART II

PERSONS BORN IN OR BEFORE 1915

4. Subject to the following paragraph, in the case of an individual born at a time specified in the first column of the Table set out below, the proviso to subsection (1) of section twenty-three of this Act and Part I of this Schedule shall have effect with the substitution for the references to seven hundred and fifty pounds and to the fraction one-tenth of references respectively to such sum and to such percentage as are specified for his case in the second and third columns of the Table.

TABLE

<i>Year of birth</i>	<i>Sum</i>	<i>Percentage</i>
1914 or 1915... ..	£825	11 per cent.
1912 or 1913... ..	£900	12 per cent.
1910 or 1911... ..	£975	13 per cent.
1908 or 1909... ..	£1,050	14 per cent.
1907 or any earlier year	£1,125	15 per cent.

5.—(1) This Part of this Schedule shall not apply in relation to any year of assessment in which the individual, in respect of his past services in any office or employment formerly held by him (not being one in which he served part-time only), either—

- (a) receives any income in respect of a pension payable under or in pursuance of a sponsored superannuation scheme or otherwise purchased or provided for him by another person ; or
- (b) has a right under a sponsored superannuation scheme to a pension which is not presently payable, whether because it is suspended or because it is to become payable only at a future time or on the happening of some contingency (but not including a right dependent also on service in an office or employment for the time being held by him).

(2) In this paragraph, "pension" includes any superannuation or other allowance or deferred pay.

Section 29.

FOURTH SCHEDULE

PROFITS TAX (PROVISIONS CONSEQUENTIAL ON CHANGE OF RATE OF TAX OR OF RELIEF FOR NON-DISTRIBUTION)

Provisions applying on any change of rate

1.—(1) Where an enactment changes any rate of tax or the rate at which reliefs for non-distribution are to be given, and directs that the change shall have effect as from a particular time, the following provisions shall apply:—

- (a) the change shall have effect as respects any chargeable accounting period of a trade or business ending after that time;
- (b) where a period which, apart from this provision, would be a chargeable accounting period of a trade or business falls partly before and partly after that time, it shall be divided so that the parts falling before and after that time shall be separate chargeable accounting periods;
- (c) in relation to any period so divided paragraph 3 of the Second Schedule to the Finance (No. 2) Act, 1955, shall have effect as it is expressed to have effect in relation to a period divided by section two of that Act.

(2) Nothing in the foregoing sub-paragraph shall affect the operation in relation to any period of the said paragraph 3 as originally enacted.

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 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 purpose of determining the rate of any distribution charge to be made on the second mentioned body, 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.

3.—(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 any reduction under that subsection, shall, subject to the following provisions of this paragraph, mean the amount tax on which at the current rate of reliefs for non-distribution would be equal to the tax originally ascribable to the loan.

(2) Subject as aforesaid, where, for the chargeable accounting period in which a reduction falls to be made, there is a distribution charge (or would be but for the reduction), then in relation to that reduction the expression “the amount corresponding to the increase” in the said subsection (3) shall mean—

- (a) if the tax originally ascribable to the loan was not greater than the distribution charge which would be made but for the reduction, such amount as will diminish the distribution charge by the amount of that tax; and
- (b) if the tax originally ascribable to the loan was greater than the distribution charge which would be made as aforesaid, an amount equal to the amount on which the distribution charge would be so made plus the amount tax on which, at the current rate of reliefs for non-distribution, would be equal to the difference between the tax originally ascribable to the loan and the distribution charge.

(3) Where, by reason of a carry-forward under the said subsection (3), a reduction in respect of a repayment falls to be made wholly or partly in a chargeable accounting period after that in which the repayment was made, the reduction in the later chargeable accounting period (and any further carry-forward therefrom) shall be computed in accordance with the foregoing sub-paragraphs as if the repayment or, as the case may be, the part giving rise to the carry-forward to that period had been made in that period.

(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 current rate of reliefs for non-distribution” means, in relation to any reduction, the rate at which a relief for non-distribution would be given for the chargeable accounting period in which the reduction falls to be made; and

“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.

Provisions applying only to changes under this Act

4. Subsection (3) of section sixty-nine of the Finance Act, 1948, and subsection (2) of section twenty-nine of the Finance Act, 1951 (which provide for a reduction of the tax chargeable on the recipient of certain payments where the payer is a body corporate connected with the recipient or is a statutory undertaker carrying on a public utility concern), shall, in relation to any chargeable accounting period ending after the end of March, nineteen hundred and fifty-six, have effect as if the words “three per cent.” were substituted for the words “two-and-a-half per cent.” (where they appear in those subsections as amended by paragraph 4 of the Seventh Schedule to the Finance Act, 1952).

4TH SCH.
—cont.

5.—(1) If, in the case of any accounting period of a body corporate, unincorporated society or other body beginning before the end of March, nineteen hundred and fifty-six (but not 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 sixteenth day of April, nineteen hundred and fifty-six, 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 March, nineteen hundred and fifty-six, 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 sixteenth day of April, nineteen hundred and fifty-six, which either—

- (a) are not expressed to be paid in respect of any period ; or

(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 March, nineteen hundred and fifty-six ; are to be treated as assignable to the accounting period in which they are paid.

4TH SCH
—cont.

(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 dividend 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.

6.—(1) Where the dividends of a body corporate, unincorporated society or other body which are assignable to any accounting period beginning before the end of October, nineteen hundred and fifty-five, and were declared before the seventeenth day of April, nineteen hundred and fifty-six,—

- (a) exceed the governing total for that accounting period ; and
- (b) include dividends declared after the twenty-fifth day of the said month of October, and paid after the beginning of the said month of April ;

then, notwithstanding anything in paragraph 4 of the Second Schedule to the Finance (No. 2) Act, 1955, the dividends so declared and paid (if the body or society so elects) shall to the extent of the excess—

- (i) in determining the gross relevant distributions to proprietors for the chargeable accounting period ending at the end of March, nineteen hundred and fifty-six, be included as a distribution for that chargeable accounting period ; and
- (ii) in determining those for any other chargeable accounting period, be left out of account.

(2) Sub-paragraphs (2) to (5) of the said paragraph 4 (which define “the governing total” and other expressions) shall apply for the purposes of this paragraph as they apply for the purposes of that.

Section 44.

FIFTH SCHEDULE

REPEALS

PART I

GENERAL

Session and Chapter	Short Title	Extent of Repeal
11 & 12 Geo. 6. c. 49.	The Finance Act, 1948	In section one, subsections (1) and (2); the First Schedule.
12, 13 & 14 Geo. 6. c. 89.	The Vehicles (Excise) Act, 1949.	In section eleven, subsection (3); in section fifteen, subsection (2).
15 & 16 Geo. 6. & 1 Eliz. 2. c. 10.	The Income Tax Act, 1952.	Section twenty-eight; in section sixty-nine, in paragraph (b), the words "any salaries, fees, wages, perquisites or profits of any public office or"; in section one hundred and twenty-two, in paragraph 1 of Schedule D, the word: "employment" in both places in sub-paragraph (a) and the words "office, employment or" in the proviso; in subsection (2) of section one hundred and thirty-two, the words "office, employment or"; in section one hundred and fifty, in subsections (1) to (7), the word "employment" wherever occurring, and subsection (8); in section one hundred and fifty-six, in Schedule E, the words "in respect of every public office or employment of profit, and" in paragraph 1A (as re-numbered by this Act), the words "office, employment or" in paragraph 2, the word "emoluments" in all places in paragraph 3, and the words "are or" in sub-paragraph (a) of paragraph 3; subsection (1) of section two hundred and seventy-eight from the word "or" at the end of paragraph (a) onwards, except as respects allowances and charges for years earlier than the year 1956-57; section three hundred and eighty-three; in section four hundred and twenty-three, in subsection (6), the words from "including" to "1925"; in section four hundred and twenty-four, para-

5TH SCH.
—cont.

Session and Chapter	Short Title	Extent of Repeal
15 & 16 Geo. 6. & 1 Eliz. 2. c. 10—cont.	The Income Tax Act, 1952—cont.	graph (d) of subsection (1), and subsection (2); in section four hundred and twenty-five, in paragraph (a) of subsection (4), the words “and the amount of any profits arising from the granting of annuities on human life”; in the Ninth Schedule, in paragraph 1 the words “having or exercising an office or employment of profit mentioned in Schedule E, or” and the words “salaries, fees, wages, perquisites or”, paragraph 2 except the words “if, during the year of assessment, any person chargeable dies, his executors or administrators shall be liable for tax in respect of the period during which he held or exercised the office or employment”, in paragraph 4 the words “salary, fees or” wherever occurring, paragraph 5, in paragraph 6 the words “on receipt of the emoluments of any office or employment of profit, or” and the words “or on passing the accounts of the office”, in paragraph 9 the words “any salary, fees, wages, perquisites or other profits or” in sub-paragraph (3), paragraphs 10 to 12, in paragraph 14 the words “any emoluments of any office or employment of profit, or”, paragraph 15 and sub-paragraph (2) of paragraph 16; in the Eighteenth Schedule, in paragraph 2 of Part III, the words “office, employment or” in paragraph (b) of sub-paragraph (2).
15 & 16 Geo. 6. & 1 Eliz. 2. c. 44.	The Customs and Excise Act, 1952.	In section one hundred and forty-nine, in subsection (6), paragraphs (c) and (d) and the proviso.
2 & 3 Eliz. 2. c. 44.	The Finance Act, 1954	Subsection (2) of section sixteen from the word “and” at the end of paragraph (b) onwards, except as respects allowances and charges for years earlier than the year 1956-57.
4 & 5 Eliz. 2. c. 17.	The Finance (No. 2) Act, 1955.	Paragraph 2 of the Second Schedule.

R* 2

5TH SCH.
—cont.

PART II

REPEALS EFFECTIVE FROM 1ST AUGUST, 1956

Session and Chapter	Short Title	Extent of Repeal
10 Edw. 7 & 1 Geo. 5. c. 8.	The Finance (1909–10) Act, 1910.	The proviso to section seventy-three.
1 & 2 Geo. 5. c. 2.	The Revenue Act, 1911	Section fifteen.
11 & 12 Geo. 6. c. 49.	The Finance Act, 1948	Section seventy-two.
12, 13 & 14 Geo. 6. c. 47.	The Finance Act, 1949	In section thirty-six, subsections (1) to (3).
15 & 16 Geo. 6 & 1 Eliz. 2. c. 33.	The Finance Act, 1952	Section seventy-three.

PART III

REPEALS EFFECTIVE FROM 1ST JANUARY, 1957

Session and Chapter	Short Title	Extent of Repeal
12, 13 & 14 Geo. 6. c. 89.	The Vehicles (Excise) Act, 1949.	In section twenty-seven, in subsection (1), the definitions of "electricity undertaking", "electric transport undertaking" and "gas undertaking", paragraph (a) of the definition of "tower wagon", and the words "except for the purpose of the definition of 'tower wagon' and 'gas undertaking'" in the definition of "gas".

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Policies of Assurance Act, 1867	30 & 31 Vict. c. 144.
Stamp Act, 1891	54 & 55 Vict. c. 39.
Finance Act, 1894	57 & 58 Vict. c. 30.
Merchant Shipping Act, 1894	57 & 58 Vict. c. 60.
Friendly Societies Act, 1896	59 & 60 Vict. c. 25.
Finance (1909–1910) Act, 1910	10 Edw. 7. & 1 Geo. 5. c. 8.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Revenue Act, 1911	1 & 2 Geo. 5. c. 2.
Finance Act, 1921	11 & 12 Geo. 5. c. 32.
Safeguarding of Industries Act, 1921	11 & 12 Geo. 5. c. 47.
Settled Land Act, 1925	15 & 16 Geo. 5. c. 18.
Finance Act, 1930	20 & 21 Geo. 5. c. 28.
Import Duties Act, 1932	22 & 23 Geo. 5. c. 8.
Ottawa Agreements Act, 1932	22 & 23 Geo. 5. c. 53.
Finance Act, 1937	1 Edw. 8. & 1 Geo. 6. c. 54.
Finance Act, 1938	1 & 2 Geo. 6. c. 46.
House of Commons Members' Fund Act, 1939	2 & 3 Geo. 6. c. 49.
National Loans Act, 1939	2 & 3 Geo. 6. c. 117.
Finance Act, 1940	3 & 4 Geo. 6. c. 29.
Finance (No. 2) Act, 1940	3 & 4 Geo. 6. c. 48.
Pensions (Increase) Act, 1944	7 & 8 Geo. 6. c. 21.
Income Tax Act, 1945	8 & 9 Geo. 6. c. 32.
Finance (No. 2) Act, 1945	9 & 10 Geo. 6. c. 13.
Pensions (Increase) Act, 1947	10 & 11 Geo. 6. c. 7.
Finance Act, 1947	10 & 11 Geo. 6. c. 35.
Companies Act, 1948	11 & 12 Geo. 6. c. 38.
Finance Act, 1948	11 & 12 Geo. 6. c. 49.
Finance Act, 1949	12, 13 & 14 Geo. 6. c. 47.
Vehicles (Excise) Act, 1949	12, 13 & 14 Geo. 6. c. 89.
Finance Act, 1951	14 & 15 Geo. 6. c. 43.
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.
Customs and Excise Act, 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 44.
Pensions (Increase) Act, 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 45.
Finance Act, 1953	1 & 2 Eliz. 2. c. 34.
Historic Buildings and Ancient Monuments Act, 1953	1 & 2 Eliz. 2. c. 49.
Pensions (Increase) Act, 1954	2 & 3 Eliz. 2. c. 25.
Finance Act, 1954	2 & 3 Eliz. 2. c. 44.
Trustee Savings Banks Act, 1954	2 & 3 Eliz. 2. c. 63.
Town and Country Planning Act, 1954	2 & 3 Eliz. 2. c. 72.
Town and Country Planning (Scotland) Act, 1954	2 & 3 Eliz. 2. c. 73.
Pensions (India, Pakistan and Burma) Act, 1955	3 & 4 Eliz. 2. c. 22.
Finance (No. 2) Act, 1955	4 & 5 Eliz. 2. c. 17.
Pensions (Increase) Act, 1956	4 & 5 Eliz. 2. c. 39.

CHAPTER 55

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-seven and to appropriate the further supplies granted in this Session of Parliament. [2nd August, 1956]

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

Issue of
£2,474,380,552
out of the
Consolidated
Fund for the
service of the
year ending
31st March,
1957.

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-seven, the sum of two thousand four hundred and seventy-four million, three hundred and eighty thousand, five hundred and fifty-two pounds.

Power for the
Treasury to
borrow.

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

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-seven, 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 any interest payable thereon, out of the Consolidated Fund, at any period not later than the next succeeding quarter to that in which the money was borrowed.

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

APPROPRIATION OF GRANTS

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 three hundred and three million, five hundred and forty-nine thousand, two hundred and thirty pounds are appropriated, and shall be deemed to have been appropriated as from the date of the passing of the Acts mentioned in the said Schedule (A), for the services and purposes expressed in Schedule (B) annexed hereto.

Appropriation of sums voted for supply services.

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

In addition to the 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.

54 & 55 Vict. c. 24.

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.

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.

(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.

Sanction for application of surpluses on certain Navy, Army and Air Votes for 1954-55.
2 & 3 Eliz. 2. c. 45.
3 & 4 Eliz. 2. c. 16.
4 Eliz. 2. c. 3.

5. Whereas under the powers given for the purpose by the Appropriation Acts, 1954, 1955 and the Appropriation (No. 2) Act, 1955, 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.

Declaration required in certain cases before receipt of sums appropriated.

6.—(1) A person shall not receive any payment out of a grant which may be made in pursuance of this Act for half-pay or 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:

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.

Short title.

7. This Act may be cited for all purposes as the Appropriation Act, 1956.

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

SCHEDULE (A)

Section 3.

—————

	...	...	£	s.	d.
Grants out of the Consolidated Fund			4,303,549,230	0	0

—————

SCHEDULE (B).—APPROPRIATION OF GRANTS

Section 3.

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
1954-55 and 1955-56		
Part 1. Civil (Excesses), 1954-55 ...	20	—
Part 2. Navy (Supplementary), 1955-56...	10	3,000,000
Part 3. Civil and Revenue Departments (Supplementary), 1955-56 ...	64,333,548	9,104,980
£	64,333,578	12,104,980

SCHEDULE (B).—APPROPRIATION OF GRANTS—*continued*

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
1956-57		
Part 4. Ministry of Defence	16,200,000	648,000
Part 5. Navy	337,840,000	57,670,000
Part 6. Army	461,000,100	112,650,000
Part 7. Air	477,450,000	140,172,100
TOTAL, DEFENCE ...£	1,292,490,100	311,140,100
Part 8. Civil, Class I	20,888,727	11,011,514
Part 9. Civil, Class II... ..	90,169,170	2,069,920
Part 10. Civil, Class III	87,784,975	11,208,748
Part 11. Civil, Class IV	424,250,529	28,084,354
Part 12. Civil, Class V... ..	729,928,872	87,624,824
Part 13. Civil, Class VI	256,091,994	100,479,545
Part 14. Civil, Class VII	72,764,773	17,187,410
Part 15. Civil, Class VIII	292,749,732	34,733,435
Part 16. Civil, Class IX	155,780,640	15,525,942
Part 17. Civil, Class X... ..	462,862,840	24,077,858
TOTAL, CIVIL ...£	2,593,272,252	332,003,550
Part 18. Revenue Departments ...	353,453,300	22,661,410
GRAND TOTAL ...£	4,303,549,230	677,910,040

SCHEDULE (A)

GRANTS OUT OF THE CONSOLIDATED FUND

	£	s.	d.
For the service of the year ended on the 31st day of March, 1955—			
Under Act 4 & 5 Eliz. 2. c. 32 	20	0	0
 For the service of the year ended on the 31st day of March, 1956—			
Under Act 4 & 5 Eliz. 2. c. 32 	64,333,558	0	0
 For the service of the year ending on the 31st day of March, 1957—			
Under Act 4 & 5 Eliz. 2. c. 32 	1,764,835,100	0	0
Under this Act 	2,474,380,552	0	0
TOTAL	£4,303,549,230	0	0

SCHED. (B).
Part 1.
Civil
(Excesses),
1954-55.

SCHEDULE (B).—PART 1

CIVIL (EXCESSES), 1954-55

SUMS granted to make good excesses on certain grants for Civil Services
for the year ended on the 31st day of March 1955, viz.:—

		Sums not exceeding		
		Supply Grants		
Vote.		£	s.	d.
CLASS V				
1.	Ministry of Housing and Local Government	10	0	0
11.	National Health Service, Scotland - -	10	0	0
	TOTAL, CIVIL (EXCESSES), 1954-55 - -£	20	0	0

SCHEDULE (B).—PART 2

NAVY (SUPPLEMENTARY), 1955–56

SCHED. (B).
Part 2.
Navy
(Supplementary),
1955–56.

SCHEDULE OF SUPPLEMENTARY SUMS granted, and of the sums which may be applied as appropriations in aid thereto, to meet expenditure beyond the sum already provided in the grants for Navy Services for the year ended on the 31st day of March 1956, viz.:—

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
Vote	£	£
1. Pay, &c., of the Royal Navy and Royal Marines - - - -	Cr. 100,000	—
2. Victualling and Clothing for the Navy - - - - -	Cr. 500,000	* —400,000
4. Civilians employed on Fleet Services - - - - -	550,000	—
6. Scientific Services - - - - -	800,000	—
7. Royal Naval Reserves - - - - -	100,000	—
8. Shipbuilding, Repairs, Maintenance, &c.—		
Section I—Personnel - -	1,850,010	600,000
Section II—Matériel - -	950,000	2,150,000
Section III—Contract Work -	Cr. 3,700,000	—
9. Naval Armaments - - - - -	Cr. 500,000	750,000
10. Works, Buildings and Repairs at Home and Abroad - - -	170,000	200,000
11. Miscellaneous Effective Services -	Cr. 100,000	—
12. Admiralty Office - - - - -	180,000	—
13. Non-Effective Services - - - - -	300,000	—
15. Additional Married Quarters ...	—	* —300,000
TOTAL, NAVY (SUPPLEMENTARY), 1955–56 - - - -£	10	3,000,000

* Deficit

SCHED. (B).
PART 3.
Civil and
Revenue
Departments
(Supple-
mentary),
1955-56.

SCHEDULE (B).—PART 3

CIVIL AND REVENUE DEPARTMENTS
(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 ended on the 31st day of March 1956, viz.:—

		Sums not exceeding	
		Supply Grants	Appropriations in Aid
CIVIL		£	£
CLASS I			
Vote			
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 - - - - -	19,500	13,005
8.	For the salaries and expenses of the Civil Service Commission - -	12,700	3,200
9.	For the salaries and expenses of the Department of the Comptroller and Auditor General; and remanet expenses of the National Insurance Audit Department - - - -	1,100	9,680
12.	For the salaries and expenses of the Department of the Government Chemist - - - - -	3,235	265
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 - - - -	10	1,786,911
	Carried forward - - - - -£	36,545	1,813,061

SCHEDULE (B).—PART 3—*continued*

SCHED. (B).
PART 3.
Civil and
Revenue
Departments
(Supple-
mentary),
1955-56.

CIVIL— <i>continued</i>	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
Brought forward - - -	36,545	1,813,061
CLASS I— <i>continued</i>		
Vote		
15. For the salaries and expenses of the National Debt Office and Pensions Commutation Board - - -	10	1,095
16. For the salaries and expenses of the National Savings Committee - -	30,000	—
24. For certain miscellaneous expenses, including certain grants in aid -	10	750
26. For the salaries and expenses of the Scottish Record Office - - -	10	1,330
CLASS II		
2. For sundry grants and services connected with Her Majesty's Foreign Service, including subscriptions to international organisations and grants in aid - - - -	9,875,025	—
4. For a subscription to the United Nations and for a grant in aid of technical assistance for economic development - - - -	300,000	—
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 - - -	10	—
Carried forward - - - -£	10,241,610	1,816,236

SCHED. (B).
PART 3.
Civil and
Revenue
Departments
(Supple-
mentary),
1955-56.

SCHEDULE (B).—PART 3—*continued*

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
CIVIL—<i>continued</i>		
Brought forward - - -	£ 10,241,610	£ 1,816,236
CLASS II—<i>continued</i>		
Vote 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 - - -	10	—
CLASS III		
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 - - - - -	42,000	* —11,500
2. For grants and expenses in connection with civil defence, including certain expenditure arising out of the war -	10	—
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 - - -	1,845,000	*— 9,600
Carried forward - - - -£	12,128,630	1,795,136

* Deficit

SCHEDULE (B).—PART 3—*continued*

SCHED. (B).
PART 3.
Civil and
Revenue
Departments
(Supple-
mentary),
1955-56.

CIVIL— <i>continued</i>	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
Brought forward - - -	12,128,630	1,795,136
CLASS III—<i>continued</i>		
Vote		
7. For the salaries and expenses of the Carlisle State Management District, including the cost of provision and management of licensed premises -	10	95,490
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	24,362
9. For salaries and expenses in connection with the County Courts -	134,915	15,530
13. For the salaries and expenses of the Law Officers' Department; the salaries and expenses of the Department of Her Majesty's Procurator-General and Solicitor for the Affairs of Her Majesty's Treasury, and of the Department of the Director of Public Prosecutions; and the costs of prosecutions and other legal proceedings, and of Parliamentary Agency - - - - -	7,000	*— 5,000
15. For grants and expenses in connection with civil defence in Scotland, including certain expenditure arising out of the war - - - -	10	—
Carried forward - - - - -	-£ 12,270,575	1,925,518

* Deficit

SCHEDULE (B).—PART 3—*continued*

SCHED. (B).
PART 3.
Civil and
Revenue
Departments
(Supple-
mentary),
1955-56.

CIVIL— <i>continued</i>		Sums not exceeding	
		Supply Grants	Appropriations in Aid
		£	£
Brought forward - - -		12,270,575	1,925,518
CLASS III— <i>continued</i>			
Vote	16. For the salary and expenses of the Inspector of Constabulary, the cost of special services, and grants in respect of police expenditure in Scotland - - - - -	239,000	*— 1,000
	17. For salaries and expenses in connection with the administration of Scottish prisons and Borstal institutions, including the maintenance of criminal lunatics - - - - -	9,000	—
	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 -	16,800	—
	20. For the salaries and expenses of the State Management Districts in Scotland, including the cost of provision and management of licensed premises	10	33,390
	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 -	10	14,000
	22. For the salaries and expenses of the Department of the Registers of Scotland - - - - -	10	3,770
Carried forward - - - - -		£ 12,535,405	1,975,678

* Deficit

SCHEDULE (B).—PART 3—continued

SCHED. (B).
PART 3.
Civil and
Revenue
Departments
(Supple-
mentary),
1955-56.

CIVIL—continued		Sums not exceeding	
		Supply Grants	Appropriations in Aid
		£	£
Brought forward - - -		12,535,405	1,975,678
CLASS III—continued			
Vote 23.	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, trial of election petitions and a grant in aid - -	10	1,265
CLASS IV			
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 - - - - -	4,698,000	—
4.	For the salaries and expenses of the Imperial War Museum, including a grant in aid - - - -	10	400
6.	For the salaries and expenses of the National Gallery, including a grant in aid - - - - -	30,100	—
8.	For the salaries and expenses of the National Maritime Museum, including a grant in aid - - - -	343	82
Carried forward - - -		-£ 17,263,868	1,977,425

SCHEDULE (B).—PART 3—continued

SCHED. (B).
PART 3.
Civil and
Revenue
Departments
(Supple-
mentary),
1955-56.

CIVIL—continued		Sums not exceeding	
		Supply Grants	Appropriations in Aid
		£	£
Brought forward - - - -		17,263,868	1,977,425
CLASS IV—continued			
Vote			
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 - - - -	92,000	—
13.	For grants and grants in aid to the British Broadcasting Corporation and the Independent Television Authority - - - -	802,000	—
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 - - -	523,000	14,000
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, new towns, national parks, &c.; a contribution to the Ironstone Restoration Fund; certain grants in aid; and sundry other services - - - -	10	—
Carried forward - - - -		-£ 18,680,878	1,991,425

SCHEDULE (B).—PART 3—continued

SCHED. (B).
PART 3.
Civil and
Revenue
Departments
(Supple-
mentary),
1955-56.

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
CIVIL—continued		
Brought forward - - -	£ 18,680,878	£ 1,991,425
CLASS V—continued		
Vote 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 -	1,700,000	135,900
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 - - - - -	11,499,010	837,000
7. For the salaries and expenses of the Department of the Registrar General	10	10,300
9. For the salaries and expenses of the War Damage Commission - -	10	18,990
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 - - -	1,122,640	131,000
Carried forward - - - -£	33,002,548	3,124,615

SCHED. (B).
PART 3.
Civil and
Revenue
Departments
(Supple-
mentary),
1955-56.

SCHEDULE (B).—PART 3—*continued*

CIVIL— <i>continued</i>	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
Brought forward - - -	33,002,548	3,124,615
CLASS VI		
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 - - - - -	128,000	83,300
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 - - - -	10	*—23,100
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 - - - - -	168,000	*—231,300
Carried forward - - - - -	£ 33,298,558	2,953,515

* Deficit

SCHEDULE (B).—PART 3—*continued*

SCHED. (B).
PART 3.
Civil and
Revenue
Departments
(Supple-
mentary),
1955-56.

CIVIL— <i>continued</i>	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
Brought forward - - -	33,298,558	2,953,515
CLASS VI— <i>continued</i>		
Vote 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 - -	5,400,000	1,300,000
CLASS VII		
1. For the salaries and expenses of the Ministry of Works - - -	775,000	*—590,000
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 - - -	635,000	200,000
11. For the salaries and expenses of the Central Office of Information - -	37,700	*—54,950
Carried forward - - -£	40,146,258	3,808,565

* Deficit.

SCHED. (B).
PART 3.
Civil and
Revenue
Departments
(Supple-
mentary),
1955-56.

SCHEDULE (B).—PART 3—continued

CIVIL—continued		Sums not exceeding	
		Supply Grants	Appropriations in Aid
		£	£
Brought forward - - -		40,146,258	3,808,565
CLASS VIII			
Vote			
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 -	350,000	28,375
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 - - - - -	10	—
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 - - - - -	190,000	601,000
Carried forward - - -		-£ 40,686,268	4,437,940

SCHEDULE (B).—PART 3—*continued*

SCHED. (B).
PART 3.
Civil and
Revenue
Departments
(Supple-
mentary),
1955-1956.

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
CIVIL—<i>continued</i>		
Brought forward - - -	40,686,268	4,437,940
CLASS VIII—<i>continued</i>		
Vote		
4. 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 -	800,000	—
9. For a grant in aid of the Forestry Fund	150,000	—
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	10	—
Carried forward - - -	£ 41,636,278	4,437,940

SCHED. (B).
PART 3.
Civil and
Revenue
Departments
(Supple-
mentary),
1955-1956.

SCHEDULE (B).—PART 3—continued

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
CIVIL—continued		
Brought forward - - -	41,636,278	4,437,940
CLASS IX		
Vote		
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 - - -	593,100	49,000
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 - - -	838,000	150,000
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 - -	10	—
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 radioactive substances, including research and development, inspection, storage, disposal and capital and ancillary services related thereto - - -	3,550,000	1,799,990
8. For the salaries and expenses of the Department of Scientific and Industrial Research, including certain subscriptions to international organisations - - - - -	10	77,850
Carried forward - - - -£	46,617,398	6,514,780

SCHEDULE (B).—PART 3—continued

SCHED. (B).
PART 3.
Civil and
Revenue
Departments
(Supple-
mentary),
1955-1956.

CIVIL—continued		Sums not exceeding	
		Supply Grants	Appropriations in Aid
		£	£
Brought forward - - -		46,617,398	6,514,780
CLASS X			
Vote	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- -	330,550	50,000
	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 - -	83,800	640,200
	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 - - - - -	494,000	6,000
REVENUE DEPARTMENTS			
	1. For the salaries and expenses of the Customs and Excise Department, including a subscription to an international organisation - - -	108,800	288,500
	2. For the salaries and expenses of the Inland Revenue Department - -	500,000	22,500
	3. For the salaries and expenses of the Post Office, including telegraphs and telephones; and subscriptions to certain international organisations -	16,199,000	1,583,000
TOTAL, CIVIL AND REVENUE DEPARTMENTS (SUPPLEMENTARY), 1955-56 - - - - -		£ 64,333,548	9,104,980

SCHED. (B).
PART 4.
Ministry of
Defence,
1956-57.

SCHEDULE (B).—PART 4

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 1957, 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-	16,200,000	648,000

SCHEDULE (B).—PART 5

SCHED. (B).
PART 5.
Navy,
1956-57.

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 1957, 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 128,000, 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 - - - -	63,688,000	1,397,000
2. For victualling and clothing for the Navy, including the cost of victualling establishments at home and abroad-	13,897,000	3,915,000
3. For medical services, including the cost of medical establishments at home and abroad - - - -	1,703,000	35,000
4. For civilians employed on fleet services	8,714,000	32,000
5. For educational services - - -	1,311,000	157,000
6. For scientific services, including a grant in aid to the National Institute of Oceanography, and a subscription to the International Hydrographic Bureau - - - - -	16,884,000	1,405,000
7. For the Royal Naval Reserve, the Royal Fleet Reserve and the Royal Naval Volunteer Reserve, &c.- -	2,243,000	100
Carried forward - - - -	-£108,440,000	6,941,100

SCHED. (B).
PART 5.
Navy,
1956-57.

SCHEDULE (B).—PART 5—*continued*

NAVY— <i>continued</i>		Sums not exceeding	
		Supply Grants	Appropriations in Aid
		£	£
	Brought forward - - -	108,440,000	6,941,100
Vote	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 - - -	41,417,000	487,000
	„ Section II. For the matériel for shipbuilding, repairs, maintenance, &c. (Revised sum) - - -	42,425,000	20,777,000
	„ Section III. For contract work on shipbuilding, repairs, maintenance, &c. (Revised sum) - - -	64,838,000	17,391,000
	9. For naval armaments (Revised sum) -	24,128,000	4,548,000
	10. For works, buildings and repairs at home and abroad, including the cost of superintendence, purchase of sites, grants and other charges connected therewith - - -	17,950,000	2,237,000
	11. For various miscellaneous effective services - - -	11,291,300	2,488,900
	12. For the Admiralty Office - - -	8,073,000	30,000
	13. For non-effective services - - -	19,257,000	270,000
	14. For the Directorate of Merchant Shipbuilding and Repairs and certain miscellaneous expenses - - -	20,600	—
	15. For certain additional married quarters at home - - -	100	2,500,000
	TOTAL, NAVY SERVICES - - -	-£337,840,000	57,670,000

SCHEDULE (B).—PART 6

SCHED. (B).
PART 6.
Army,
1956-57.

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 1957, including provision for Land Forces to a number not exceeding 485,000, 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 - -	100,380,000	54,790,000
2. For the Reserve Forces (to a number not exceeding 400,000, all ranks, including a number not exceeding 385,000 other ranks), Territorial Army (to a number not exceeding 306,000, all ranks), Home Guard (to a number not exceeding 1,900, all ranks), Cadet Forces and Malta Territorial Force - - - -	16,370,000	800,000
3. For the salaries, wages, &c., of the civilian staff of the War Office- -	3,600,000	60,000
4. For civilians - - - - -	91,340,000	1,660,000
5. For movements - - - - -	33,250,000	1,520,000
6. For supplies, &c. - - - - -	55,030,000	13,400,000
7. For stores (Revised sum) - - - -	88,850,000	31,100,000
8. For works, buildings and lands - -	37,630,000	5,350,000
9. For miscellaneous effective services -	12,690,000	2,470,000
10. For non-effective services - - - -	21,860,000	250,000
11. For certain additional married quarters	100	1,250,000
TOTAL, ARMY SERVICES - - - - -	£461,000,100	112,650,000

SCHED. (B).
PART 7.
Air,
1956-57.

SCHEDULE (B).—PART 7

AIR

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the AIR SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1957, including provision for officers, airmen and airwomen for Air Force Service to a number not exceeding 257,000, 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 -	100,160,000	13,500,000
2. For the reserve and auxiliary services (to a number not exceeding 235,000, all ranks, for the Royal Air Force Reserve, and 11,000, all ranks, for the Royal Auxiliary Air Force) -	3,089,900	107,100
3. For the salaries, wages, &c., of civilian staff of the Air Ministry - - -	4,780,000	207,000
4. For the salaries, wages, &c., of civilians at outstations - - -	35,510,000	5,866,000
5. For movements - - - - -	14,250,000	2,610,000
6. For supplies (Revised sum) - -	74,150,000	6,240,000
7. For aircraft and stores - - -	183,500,000	79,500,000
8. For works and lands - - - -	49,000,000	23,520,000
9. For miscellaneous effective services, including grants in aid to the Royal Society and a subscription to the World Meteorological Organisation	5,940,000	4,126,000
10. For non-effective services - - -	7,070,000	296,000
11. For certain additional married quarters	100	4,200,000
TOTAL, AIR SERVICES - - -	£477,450,000	140,172,100

SCHEDULE (B).—PART 8

SCHED. (B).
PART 8.
Civil.
Class I.
1956-57.

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 1957, viz.:—

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
1. For the salaries and expenses of the House of Lords - - - -	146,282	17,579
2. For the salaries and expenses of the House of Commons, including a grant in aid - - - -	1,134,466	7,230
3. For expenses in respect of the registration of electors - - - -	600,000	—
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 - - - -	3,396,237	114,000
5. For the salaries and expenses of the Department of Her Majesty's most Honourable Privy Council - -	31,969	2,150
6. For the salaries and expenses of the Office of the Lord Privy Seal - -	14,100	—
7. For the salaries and expenses of the Charity Commission for England and Wales - - - -	102,922	2,700
8. For the salaries and expenses of the Civil Service Commission - -	440,700	57,550
Carried forward - - - -£	5,866,676	201,209

SCHED. (B).
PART 8.
Civil.
Class I.
1956-57.

SCHEDULE (B).—PART 8—*continued*

CIVIL— <i>continued</i>	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
Brought forward - - -	5,866,676	201,209
<i>CLASS I—continued</i>		
^{ote} 9. For the salaries and expenses of the Department of the Comptroller and Auditor General - - - -	499,677	55,170
10. For the salaries and expenses of the Registry of Friendly Societies - -	81,890	4,500
11. For the salaries and expenses of the Department of the Government Actuary - - - - -	29,911	24,685
12. For the salaries and expenses of the Department of the Government Chemist - - - - -	318,505	1,100
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	10,202,550
15. For the salaries and expenses of the National Debt Office and Pensions Commutation Board - - - -	3,230	42,475
16. For the salaries and expenses of the National Savings Committee - -	870,900	—
17. For the salaries and expenses of the Public Record Office and of the Office of Land Revenue Records and Inrolments - - - -	115,012	11,000
18. For the salaries of the establishment under the Public Works Loan Commission and the expenses of the Commission - - - - -	100	54,210
Carried forward - - - -£	7,841,001	10,596,899

SCHEDULE (B).—PART 8—*continued*SCHED. (B).
PART 8.
Civil.
Class I.
1956-57.

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
CIVIL— <i>continued</i>		
Brought forward - - - -	7,841,001	10,596,899
CLASS I— <i>continued</i>		
Vote		
19. For the salaries and other expenses of Royal Commissions, committees, special inquiries, &c., including provision for shorthand - - - -	186,000	—
20. For Her Majesty's foreign and other secret services - - - -	5,000,000	—
21. For the purchase and sale of silver and for handling, storage and shipping charges relating thereto - -	5,470,000	—
22. For the salaries and expenses of the Tithe Redemption Commission -	100	331,905
23. For certain miscellaneous expenses, including certain grants in aid - -	172,989	1,500
23A. For repayment to the Civil Contingencies Fund of certain miscellaneous advances - - - -	39,252	—
24. 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 -	2,141,143	69,670
25. For the salaries and expenses of the Scottish Record Office - - -	38,242	11,540
TOTAL, CIVIL, CLASS I - - -£	20,888,727	11,011,514

SCHED. (B).
PART 9.
Civil.
Class II.
1956-57.

SCHEDULE (B).—PART 9

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 1957, viz.:—

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
1. For the salaries and expenses of the Department of Her Majesty's Secretary of State for Foreign Affairs, including Her Majesty's Missions and Consulates abroad, and the salaries of two Ministers of State (Revised sum) - - - -	14,919,720	1,532,700
2. For sundry grants and services connected with Her Majesty's Foreign Service, including subscriptions to international organisations and grants in aid (Revised sum) (including a Supplementary sum of £146,100) -	22,197,930	330,000
3. For a grant in aid of the British Council	2,202,650	—
4. For a subscription to the United Nations and for a grant in aid of technical assistance for economic development - - - -	1,750,000	—
5. For the salaries and expenses of the Department of Her Majesty's Secretary of State for Commonwealth Relations, including oversea establishments - - - -	2,105,662	46,000
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 (including a Supplementary sum of £10) - - - -	1,830,101	10,110
Carried forward - - - -	-£ 45,006,063	1,918,810

SCHEDULE (B).—PART 9—*continued*

SCHED. (B).
PART 9.
Civil.
Class II.
1956-57.

CIVIL— <i>continued</i>		Sums not exceeding	
		Supply Grants	Appropriations in Aid
	Brought forward - -	£ 45,006,063	£ 1,918,810
	CLASS II—<i>continued</i>		
Vote	7. For expenses connected with oversea settlement, including grants in aid -	197,700	500
	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 (including a Supplementary sum of £4,300) -	1,357,265	41,710
	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 (Revised sum) (including a Supplementary sum of £2,149,632) - - -	23,646,158	105,900
	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 (Revised sum) - - - - -	17,250,000	3,000
	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 - -	1,380,000	—
	12. For certain expenses of the Imperial War Graves Commission, including purchase of land in the United Kingdom and a grant in aid - -	1,331,984	—
	TOTAL, CIVIL. CLASS II - -£	90,169,170	2,069,920

SCHED. (B).
PART 10.
Civil.
Class III.
1956-57.

SCHEDULE (B).—PART 10

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 1957, 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 other services - - - - -	4,648,035	1,217,500
2. For grants and expenses in connection with civil defence, including certain expenditure arising out of the war (Revised sum) - - - - -	9,020,737	387,000
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 - -	40,995,966	271,080
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 - - - - -	8,320,693	1,595,000
Carried forward - - - - -	-£ 62,985,431	3,470,580

SCHEDULE (B).—PART 10—*continued*SCHED. (B).
PART 10.
Civil.
Class III.
1956-57.

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
CIVIL—<i>continued</i>		
Brought forward - - -	£ 62,985,431	£ 3,470,580
CLASS III—<i>continued</i>		
Vote		
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 - - -	8,431,400	795,100
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 - - -	5,150,800	20,600
7. For the salaries and expenses of the Carlisle State Management District, including the cost of provision and management of licensed premises -	100	1,669,220
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 - -	62,151	1,608,000
Carried forward - - -	£76,629,882	7,563,500

SCHED. (B).
PART 10.
Civil.
Class III.
1956-57.

SCHEDULE (B).—PART 10—*continued*

CIVIL— <i>continued</i>		Sums not exceeding	
		Supply Grants	Appropriations in Aid
		£	£
Brought forward - - -		76,629,882	7,563,500
CLASS III— <i>continued</i>			
Vote	9. For salaries and expenses in connection with the County Courts (Revised sum) - - - - -	481,090	1,162,570
	10. For a grant to the Legal Aid Fund -	1,833,100	—
	11. For the salaries and expenses of the office of Land Registry - - -	100	856,750
	12. For the salaries and expenses of the office of Public Trustee - - -	100	455,200
	13. For the salaries and expenses of the Law Officers' Department: the salaries and expenses of the Department of Her Majesty's Procurator-General and Solicitor for the Affairs of Her Majesty's Treasury, and of the Department of the Director of Public Prosecutions; and the costs of prosecutions and other legal proceedings, and of Parliamentary Agency -	529,876	143,000
	14. For certain miscellaneous legal expenses - - - - -	64,190	—
	15. For grants and expenses in connection with civil defence in Scotland, including certain expenditure arising out of the war (Revised sum) - -	808,952	20,000
	16. For the salary and expenses of the Inspector of Constabulary, the cost of special services, and grants in respect of police expenditure in Scotland - - - - -	4,384,627	4,040
	17. For salaries and expenses in connection with the administration of Scottish prisons and Borstal institutions, including the maintenance of criminal lunatics - - - - -	751,204	134,150
Carried forward - - - -£		85,483,121	10,339,210

SCHEDULE (B).—PART 10—*continued*

SCHED. (B).
PART 10.
Civil.
Class III.
1956-1957.

CIVIL— <i>continued</i>		Sums not exceeding	
		Supply Grants	Appropriations in Aid
		£	£
Brought forward - - -		85,483,121	10,339,210
CLASS III— <i>continued</i>			
Vote			
18.	For grants in respect of the expenses of the managers of approved schools in Scotland - - - - -	252,550	9,000
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 -	533,180	2,080
20.	For the salaries and expenses of the State Management Districts in Scotland, including the cost of provision and management of licensed premises	100	426,635
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 - -	273,441	247,075
22.	For the salaries and expenses of the Department of the Registers of Scotland - - - - -	100	160,573
23.	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, trial of election petitions and a grant in aid - - - - -	59,263	24,080
Carried forward - - - - -		£86,601,755	11,208,653

SCHED. (B).
PART 10.
Civil.
Class III.
1956-1957

SCHEDULE (B).—PART 10—*continued*

		Sums not exceeding	
		Supply Grants	Appropriations in Aid
<i>CIVIL—continued</i>			
	Brought forward - - -	£ 86,601,755	£ 11,208,653
<i>CLASS III—continued</i>			
Vote 24.	For charges in connection with land purchase in Northern Ireland, and the expenses of management of guaranteed stocks and bonds issued for the purposes of Irish land purchase - - - - -	1,183,220	95
	TOTAL, CIVIL, CLASS III - -£	87,784,975	11,208,748

SCHEDULE (B).—PART 11

SCHED. (B).
PART 11.
Civil.
Class IV.
1956-57.

CIVIL.—CLASS IV

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1957, viz.:—

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
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 (Revised sum) (including a Supplementary sum of £10,753,000) - -	314,201,218	24,317,950
2. For the salaries and expenses of the British Museum, including a grant in aid - - - - -	524,622	53,680
3. For the salaries and expenses of the British Museum (Natural History), including a grant in aid - - -	360,193	850
4. For the salaries and expenses of the Imperial War Museum, including a grant in aid - - - - -	46,910	1,750
5. For the salaries and expenses of the London Museum, including a grant in aid - - - - -	28,620	50
6. For the salaries and expenses of the National Gallery, including a grant in aid (including a Supplementary sum of £25,000) - - - - -	98,038	455
7. For the salaries and expenses of the Tate Gallery, Millbank, including a grant in aid. - - - - -	54,532	—
Carried forward - - -	-£315,314,133	24,374,735

SCHED. (B).
PART 11.
Civil.
Class IV.
1956-57.

SCHEDULE (B).—PART 11—*continued*

CIVIL— <i>continued</i>		Sums not exceeding	
		Supply Grants	Appropriations in Aid
		£	£
Brought forward - - -		315,314,133	24,374,735
CLASS IV— <i>continued</i>			
Vote			
8.	For the salaries and expenses of the National Maritime Museum, including a grant in aid - - -	51,294	85
9.	For the salaries and expenses of the National Portrait Gallery, including a grant in aid - - -	27,417	2,470
10.	For the salaries and expenses of the Wallace Collection - - -	34,657	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 - - -	1,567,055	50
12.	For a grant in aid of the expenses of universities, colleges, &c., in Great Britain; and for the cost of certain post-graduate studentships - -	34,419,900	100
13.	For grants and grants in aid to the British Broadcasting Corporation -	28,894,000	231,000
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 (Revised sum) (including a Supplementary sum of £1,477,500) - - -	43,824,993	3,464,517
15.	For the salaries and expenses of the National Gallery, Scotland, and the Scottish National Portrait Gallery, including certain grants in aid - -	35,253	2,560
Carried forward - - -		£424,168,702	28,079,267

SCHEDULE (B).—PART 11—*continued*

SCHED. (B).
PART 11.
Civil.
Class IV.
1956-57.

<i>CIVIL—continued</i>	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
Brought forward - - -	424,168,702	28,079,267
<i>CLASS IV—continued</i>		
Vote 16. For the salaries and expenses of the National Museum of Antiquities of Scotland, including a grant in aid -	17,301	70
17. For the salaries and expenses of the National Library, Scotland, including a grant in aid - - - -	64,526	5,017
TOTAL, CIVIL, CLASS IV -	£424,250,529	28,084,354

SCHED. (B).
PART 12.
Civil.
Class V.
1956-57.

SCHEDULE (B).—PART 12

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 1957, 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 (Revised sum) (including a Supplementary sum of £10) - -	19,347,195	670,000
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 -	62,998,280	5,194,510
3. For Exchequer Equalisation Grants to local authorities in England and Wales - - - - -	73,800,000	—
Carried forward - - - - -	£156,145,475	5,864,510

SCHEDULE (B).—PART 12—*continued*

SCHED. (B).
PART 12.
Civil.
Class V.
1956-57.

		Sums not exceeding	
		Supply Grants	Appropriations in Aid
		£	£
CIVIL—<i>continued</i>			
	Brought forward - - -	156,145,475	5,864,510
CLASS V—<i>continued</i>			
Vote	4. For the salaries and expenses of the Ministry of Health and the Board of Control; expenses in connection with welfare food services and food hygiene; 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 (Revised sum) - - - -	37,274,455	3,300,050
	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 (Revised sum) - - - -	446,263,175	68,962,050
	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 - - - -	2,349,000	5,114
	7. For the salaries and expenses of the Department of the Registrar General - - - -	403,905	289,200
	8. For the salaries and expenses of the Central Land Board - - - -	382,500	1,300
	Carried forward - - -	£642,818,510	78,422,224

SCHEDULE (B).—PART 12—*continued*

SCHED. (B).
PART 12.
Civil.
Class V.
1956-57.

		Sums not exceeding	
		Supply Grants	Appropriations in Aid
		£	£
<i>CIVIL—continued</i>			
	Brought forward - - -	642,818,510	78,422,224
<i>CLASS V—continued</i>			
Vote	9. For the salaries and expenses of the War Damage Commission - -	656,000	257,000
	10. For the salaries and expenses of the Department of Health for Scotland and the General Board of Control for Scotland; for expenses in connection with welfare food services and food hygiene; for grants and other expenses in connection with water and sewerage services, town and country planning and the creation of new towns; and for certain expenses in connection with civil defence and other services (Revised sum) - - -	6,487,770	346,000
	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 -	55,878,955	8,191,620
	12. For grants and other payments in respect of the provision, reconditioning, maintenance and improvement of housing accommodation in Scotland - - -	13,981,540	397,320
	13. For Exchequer Grants to local authorities in Scotland - - -	10,050,000	—
	14. For the salaries and expenses of the Department of the Registrar General of Births, Deaths and Marriages in Scotland - - - - -	56,097	10,660
	TOTAL, CIVIL, CLASS V -	-£ 729,928,872	87,624,824

SCHEDULE (B).—PART 13

CIVIL.—CLASS VI

SCHED. (B).
PART 13.
Civil.
Class VI.
1956-57.

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 1957, viz.:—

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
1. For the salaries and expenses of the office of the Committee of Privy Council for Trade and subordinate departments, and the Monopolies and Restrictive Practices Commission	4,577,690	1,956,785
2. For the expenditure of the Board of Trade on assistance and subsidies to certain industries, and on trading and other services; including a grant to British Industries Fair, Limited, in excess of the sum guaranteed by the Treasury under the British Industries Fair (Guarantees and Grants) Act, 1954, subscriptions to international organisations and grants in aid (including a Supplementary sum of £44,600). - - - - -	2,876,194	207,300
3. For expenditure of the Board of Trade in connection with the procurement, maintenance and adjustment of strategic reserves (Revised sum) -	3,590,000	3,220,000
4. For services in Development Areas (Revised sum) - - - - -	4,517,300	—
5. For financial assistance to industrial undertakings in Development Areas, including remanet expenditure in respect of similar assistance in former Special Areas - - - - -	507,510	—
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	5,849,060
Carried forward - - - - -	£16,068,794	11,233,145

SCHED. (B).
PART 13.
Civil.
Class VI.
1956-57

SCHEDULE (B).—PART 13—*continued*

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
CIVIL—<i>continued</i>		
Brought forward - - -	£ 16,068,794	£ 11,233,145
CLASS VI—<i>continued</i>		
Vote		
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	469,900
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 - - - - -	20,783,000	3,090,500
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 administrative services in connection with the aircraft, light metals and electronics industries; and for miscellaneous services - - - -	213,400,000	36,760,000
Carried forward - - -	£250,251,894	51,553,545

SCHEDULE (B).—PART 13—*continued*

SCHED. (B).
PART 13.
Civil.
Class VI.
1956-57.

CIVIL— <i>continued</i>	Sums not exceeding	
	Supply Grants	Appropriations in Aid
Brought forward - - -	£ 250,251,894	£ 51,553,545
CLASS VI—<i>continued</i>		
Vote 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	—
11. For the expenses of operating the Royal Ordnance Factories - -	5,800,000	48,926,000
12. For the salaries and expenses of the office of the Registrar of Restrictive Trading Agreements - - -	40,000	—
TOTAL, CIVIL, CLASS VI - -	£256,091,994	100,479,545

SCHEDULE (B).—PART 14

SCHED. (B).
PART 14.
Civil.
Class VII.
1956-57.

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 1957, viz.:—

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
1. For the salaries and expenses of the Ministry of Works - - - -	8,430,120	3,345,070
2. For expenditure in respect of Houses of Parliament buildings - - -	361,000	2,000
3. For expenditure in respect of sundry public buildings in the United Kingdom, including a grant in aid, and sundry other services (Revised sum) - - - - -	27,180,150	6,694,800
4. For expenditure in respect of public buildings overseas - - - -	1,763,000	500,000
5. For expenditure in respect of Royal Palaces, including a grant in aid -	509,500	42,000
6. For expenditure in respect of Royal parks and pleasure gardens (including a Supplementary sum of £10) -	783,010	82,240
7. For grants and expenses in connection with historic buildings and ancient monuments, including a grant in aid	885,000	141,000
8. 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 - - - - -	17,645,693	1,175,000
Carried forward - - - -	-£ 57,557,473	11,982,110

SCHEDULE (B).—PART 14—continued

SCHED. (B).
PART 14.
Civil.
Class VII.
1956-57.

CIVIL—continued	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
Brought forward - - -	57,557,473	11,982,110
CLASS VII—continued		
Vote 9. 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 (Revised sum) - - -	13,381,100	5,000,000
10. For the salaries and expenses of the Central Office of Information - -	1,792,200	204,300
11. For the construction of a harbour of refuge at Peterhead and services incidental thereto - - - -	34,000	1,000
TOTAL, CIVIL, CLASS VII - -£	72,764,773	17,187,410

SCHED. (B).
PART 15.
Civil.
Class VIII.
1956-57.

SCHEDULE (B).—PART 15

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 1957, viz. :—

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
1. For the salaries and expenses of 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 (Revised sum) - - - -	15,756,720	269,825
2. For 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; for payments and services in implementation of agricultural price guarantees; and for certain other subsidies and services (Revised sum) - - - -	213,392,430	5,000
3. For 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 (Revised sum) (including a Supplementary sum of £100,000) - -	9,362,118	7,877,750
Carried forward - - -	£238,511,268	8,152,575

SCHEDULE (B).—PART 15—*continued*SCHED. (B).
PART 15.
Civil.
Class VIII.
1956-57.

CIVIL— <i>continued</i>	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
Brought forward - - -	238,511,268	8,152,575
CLASS VIII—<i>continued</i>		
Vote 4. For expenditure of the Ministry of Agriculture, Fisheries and Food in connection with the procurement and maintenance of strategic reserves (Revised sum) - - - -	100	25,239,000
5. 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 -	4,849,770	10,310
6. For the survey of Great Britain and other mapping services - - -	2,982,570	419,830
7. For the salaries and expenses of the office of the Commissioners of Crown Lands - - - - -	100,927	—
8. For a grant in aid of the Agricultural Research Fund - - - -	3,560,000	—
9. For a grant in aid of the Nature Conservancy - - - - -	280,000	—
10. For a grant in aid of the Development Fund - - - - -	1,134,000	—
11. For a grant in aid of the Forestry Fund	8,791,000	—
Carried forward - - -	-£260,209,635	33,821,715

SCHED. (B).
PART 15.
Civil.
Class VIII.
1956-57.

SCHEDULE (B).—PART 15—*continued*

CIVIL— <i>continued</i>		Sums not exceeding	
		Supply Grants	Appropriations in Aid
		£	£
Brought forward - - -		260,209,635	33,821,715
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 to farmers and others for the encouragement of food production and the improvement of agriculture; for certain payments in implementation of agricultural price guarantees; 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 and roads in other livestock rearing areas; 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 (Revised sum) -	30,110,096	904,920
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 (Revised sum) - - -	2,430,001	6,800
TOTAL, CIVIL, CLASS VIII -		£292,749,732	34,733,435

SCHEDULE (B).—PART 16

CIVIL.—CLASS IX

SCHED. (B).
PART 16.
Civil.
Class IX.
1956-57.

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 1957, viz.:—

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
Vote		
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 (Revised sum)	8,647,700	2,623,700
2. For expenditure, including grants to highway, &c., authorities, in respect of roads in England and Wales and services connected therewith, including the construction, improvement and maintenance of roads, road research, road safety, the provision and maintenance of vehicles and equipment for use by police forces engaged on certain duties, salaries of surveyors, and the stopping-up and diversion of highways; for expenses in connection with the collection of motor vehicle duties, &c., and the registration of motor vehicles in Great Britain; and for certain compensation payments - - -	47,358,000	1,467,000
Carried forward - - -	£ 56,005,700	4,090,700

SCHED. (B).
PART 16.
Civil.
Class IX.
1956-57.

SCHEDULE (B).—PART 16—continued

CIVIL—continued		Sums not exceeding	
		Supply Grants	Appropriations in Aid
		£	£
Brought forward - - -		56,005,700	4,090,700
CLASS IX—continued			
Vote	3. For expenses, including war terminal expenses, in connection with the provision and use of ships for troop- ing, 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 (Revised sum) - - -	624,000	1,534,000
	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 (Revised sum) - - - - -	6,555,010	4,225,500
	5. For the salaries and expenses of the Ministry of Fuel and Power, loans for the installation of fuel-saving equipment, a grant in respect of coal- mining subsidence damage, assistance to gas and electricity services in Development Areas, and expenses in connection with the nationalisation of the coal and gas industries - -	4,032,810	486,700
	6. For the supply, storage and distribution of petroleum products and certain other special services of the Ministry of Fuel and Power, including expend- iture 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 (Revised sum) - - - - -	5,714,000	380,010
	Carried forward - - - -£	72,931,520	10,716,910

SCHEDULE (B).—PART 16—*continued*

SCHED. (B).
PART 16.
Civil.
Class IX.
1956-57.

CIVIL— <i>continued</i>		Sums not exceeding	
		Supply Grants	Appropriations in Aid
		£	£
Brought forward - - -		72,931,520	10,716,910
CLASS IX— <i>continued</i>			
Vote 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 radioactive substances, including research and development, inspection, storage, disposal and capital and ancillary services related thereto - - -	68,264,390	3,818,010
8.	For the salaries and expenses of the Department of Scientific and Industrial Research, including certain subscriptions to international organisations - - - - -	7,552,100	916,522
9.	For expenditure, including grants to highway, &c., authorities, in respect of roads in Scotland and services connected therewith, including the construction, improvement and maintenance of roads, road research, road safety, the provision and maintenance of vehicles and equipment for use by police forces engaged on certain duties, salaries of surveyors, the stopping-up and diversion of highways, and certain compensation payments - - - - -	7,032,630	74,500
TOTAL, CIVIL, CLASS IX - - -		£155,780,640	15,525,942

SCHED. (B).
PART 17.
Civil.
Class X.
1956-57.

SCHEDULE (B).—PART 17

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 1957, 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 - - - - -	13,438,710	612,808
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 - -	4,348,870	19,824,050
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 other countries and of proceeds of the sale of the Burma-Siam Railway; and other services, including payment of national service grants (including a Supplementary sum of £610,000) - -	89,451,000	2,072,000
Carried forward - - -	£107,238,580	22,508,858

SCHEDULE (B).—PART 17—*continued*

SCHED. (B).
PART 17.
Civil
Class X.
1956-57

		Sums not exceeding	
		Supply Grants	Appropriations in Aid
		£	£
CIVIL— <i>continued</i>			
	Brought forward - - -	107,238,580	22,508,858
CLASS X— <i>continued</i>			
Vote 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 (Revised sum) - - -	219,782,000	18,000
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 -	127,626,000	1,550,000
6.	For pensions and allowances to certain members of the former Indian and Burma Services and their dependants, and to certain judges; for related medical and miscellaneous expenses; for payments in respect of commutation of pensions; and for certain payments to the Governments of India and Pakistan connected with pensions - - - - -	7,056,260	1,000
7.	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 - - - - -	1,160,000	—
	TOTAL, CIVIL, CLASS X - - -	£462,862,840	24,077,858

SCHED. (B).
PART 18.
Revenue
Departments.
1956-57.

SCHEDULE (B).—PART 18

REVENUE DEPARTMENTS

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 1957, viz. :—

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
Vote		
1. For the salaries and expenses of the Customs and Excise Department, including a subscription to an international organisation - - -	14,756,300	739,500
2. For the salaries and expenses of the Inland Revenue Department - -	38,014,000	193,000
3. For the salaries and expenses of the Post Office, including telegraphs and telephones; and subscriptions to certain international organisations (including a Supplementary sum of £13,385,000) - - - - -	300,683,000	21,728,910
TOTAL, REVENUE DEPARTMENTS -£	353,453,300	22,661,410

SCHEDULE (C).—PART I

Navy Services, 1954-55, 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	3,882,386	4 2	—	—	—	—	230,585	16 2
2. Victualling and Clothing for the Navy ...	—	—	780,178	9 5	3,112,815	8 1	—	—
3. Medical Establishments and Services ...	14,784	4 10	—	—	—	—	21,551	0 11
4. Civilians employed on Fleet Services ...	—	—	—	—	2,830	17 8	4,779	18 1
5. Educational Services...	—	—	—	—	26,916	4 3	430	6 8
6. Scientific Services ...	—	—	—	—	259,239	7 2	211,604	6 6
7. Royal Naval Reserves	—	—	—	—	58,701	9 0	1,792	9 2
8. Shipbuilding, Repairs, Maintenance, &c.:								
Section I.—Personnel	1,685,835	4 9	—	—	—	—	197,615	14 10
Section II.—Matériel	172,647	17 1	—	—	—	—	4,549,152	18 8
Section III.— Contract Work	—	—	2,233,719	18 1	666,167	8 0	—	—
9. Naval Armaments ...	—	—	1,589,382	7 6	7,617,182	5 11	—	—
10. Works, Buildings and Repairs at Home and Abroad	324,080	6 5	—	—	—	—	313,379	0 6
11. Miscellaneous Effective Services	362,189	10 6	—	—	—	—	171,666	15 5
12. Admiralty Office ...	201,701	0 10	—	—	—	—	7,627	1 8
13. Non-Effective Services	101,885	19 8	—	—	—	—	65,553	10 4
14. Merchant Shipbuilding and Repair	3,217	10 10	—	—	—	—	—	—
15. Additional Married Quarters	—	—	155,880	9 8	155,880	9 8	—	—
Balances Irrecoverable and Claims Abandoned ...	51,369	18 6	—	—	—	—	—	—
	6,800,097	17 7	4,759,161	4 8	11,899,733	9 9	5,775,738	18 11
	£11,559,259		2s. 3d.		£17,675,472		8s. 8d.	
	Net Surplus £6,116,213 6s. 5d.							

SCHEDULE (C).—PART II

Army Services, 1954–55, 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	7,156,951	18 1	701,102	8 10	—	—	—	—
2. Reserve Forces, Terri- torial Army, Home Guard and Cadet Forces	—	—	—	—	1,875,535	4 3	5,006	12 8
3. War Office	103,179	16 7	—	—	—	—	8,931	13 7
4. Civilians	—	—	—	—	1,518,990	4 10	177,095	14 5
5. Movements	—	—	4,075	15 4	2,090,618	11 1	—	—
6. Supplies, &c.	—	—	3,200,822	4 11	8,782,604	0 11	—	—
7. Stores	—	—	1,663,406	13 5	51,322,133	13 3	—	—
8. Works, Buildings and Lands	—	—	—	—	5,987,589	17 9	663,774	13 8
9. Miscellaneous Effective Services	1,725,196	7 11	1,444,521	2 4	—	—	—	—
10. Non-Effective Services	—	—	8,321	3 6	263,496	15 1	—	—
11. Additional Married Quarters	—	—	4,399,813	16 11	1,613,893	5 10	—	—
Balances Irrecoverable and Claims Abandoned ...	62,302	3 5	—	—	—	—	—	—
	9,047,630	6 0	11,422,063	5 3	73,454,861	13 0	854,808	14 4
	£20,469,693 11s. 3d.				£74,309,670 7s. 4d.			
	Net Surplus £53,839,976 16s. 1d.							

SCHEDULE (C).—PART III

Air Services 1954-55, 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... ..	3,441,536	3 7	19,020	4 0	—	—	—	—
2. Reserve and Auxiliary Services	—	—	—	—	210,746	11 9	1,297	7 11
3. Air Ministry	137,729	15 5	38,499	17 1	—	—	—	—
4. Civilians at Out- stations	213,461	3 10	—	—	—	—	644,453	19 10
5. Movements	98,378	8 9	—	—	—	—	597,190	7 4
6. Supplies	—	—	—	—	19,715,397	15 1	24,129	17 8
7. Aircraft and Stores ...	—	—	5,452,288	17 11	497,708	6 7	—	—
8. Works and Lands ...	—	—	3,068,336	11 5	20,210,652	6 2	—	—
9. Miscellaneous Effective Services	—	—	—	—	787,589	12 3	348,134	17 2
10. Non-effective Services...	—	—	—	—	218,659	8 6	13,959	8 0
11. Additional Married Quarters	—	—	4,000,000	0 0	1,254,346	14 3	—	—
Balances Irrecoverable and Claims Abandoned ...	13,193	7 3	—	—	—	—	—	—
	3,904,298	18 10	12,578,145	10 5	42,895,100	14 7	1,629,165	17 11
	£16,482,444 9s. 3d.				£44,524,266 12s. 6d.			
	Net Surplus £28,041,822 3s. 3d.							

CHAPTER 56*Transport (Disposal of Road Haulage Property) Act, 1956*

ARRANGEMENT OF SECTIONS

Section

1. Disposal of property to companies remaining under Commission's control.
2. Disposal of property through companies the securities of which are sold.
3. Special provisions as to vehicles used exclusively for particular contracts.
4. Extra vehicles for companies to which s. 3 applies.
5. Reduction of number of trailers covered by licences under Part II of First Schedule to Transport Act, 1953.
6. Supervision and control of disposal of property, etc.
7. Exemptions from stamp duty.
8. Abolition of transport levy and winding-up of Transport Fund.
9. Application to Commission of enactments relating to holding companies.
10. Short title, interpretation and extent.

SCHEDULE—Provisions for facilitating the reorganisation of the capital of certain companies.

An Act to amend the provisions of the Transport Act, 1953, relating to the disposal by the British Transport Commission of the property held by them for the purposes of the existing road haulage undertaking (including the provisions as to the transport levy and the Transport Fund), to extend certain enactments relating to holding companies to the British Transport Commission, and for purposes connected with the matters aforesaid. [2nd August, 1956]

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:—

Disposal of property to companies remaining under Commission's control.

1. For subsection (1) of section four of the Transport Act, 1953 (which relates to transfers of property to companies under the control of the Commission, otherwise than with a view to the sale of their shares) there shall be substituted the following subsection:—

“(1) Subject to the provisions of this subsection, the Commission may make over to any company under their direct or indirect control any property held by them for the purposes of the existing road haulage undertaking and any of their rights and obligations, whether under contract or otherwise, being rights and obligations connected with the property transferred, and in that event subsections (4) and (5) of the last preceding section, section six of this Act, and the

First Schedule to this Act shall have effect as if the transaction had been a purchase resulting from an invitation under the last preceding section to tender for the purchase of that property on conditions providing for the purchaser taking over the connected rights and obligations, as if all such things had been done as would have fallen to be done if the transaction had been such a purchase and as if any vehicles specified by the Commission to the company as additional vehicles at the time when they are made over had been so specified under the said subsection (5), and, without prejudice to the generality of the preceding provisions of this subsection, references in the said provisions of this Act to transport units, to purchasers of transport units and to additional vehicles shall be construed accordingly:

Provided that—

(a) property other than vehicles shall only be made over under this subsection to a company to which vehicles are made over thereunder;

(b) the total number and the total weight unladen of the vehicles made over to companies under this subsection which belong to each of the three following categories, that is to say—

(i) vehicles (whether motor vehicles or trailers) specially constructed to carry abnormal indivisible loads;

(ii) motor vehicles (of whatever character) which in the opinion of the Minister ought to be regarded as special vehicles constructed for special purposes other than the carriage of abnormal indivisible loads; and

(iii) other motor vehicles,

shall not exceed, in the case of the first category, three hundred and twenty-five vehicles and two thousand seven hundred and fifty tons, in the case of the second category nine hundred and eighty-nine vehicles and three thousand three hundred and thirty tons, and in the case of the third category seven thousand seven hundred and fifty vehicles and thirty-six thousand tons, and, of the vehicles so made over which belong to the third category, not less than three-fortieths, in number, shall be specified as additional vehicles;

(c) the total number of trailers to which special A licences extend by virtue of this subsection, excluding trailers belonging to the first of the said categories, shall not exceed three thousand two hundred trailers;

- (d) the property made over under this subsection to any company, other than vehicles belonging to the said categories, shall be only such property as may be specified in proposals submitted by the Commission to the Board and approved, as being appropriate in quantity, nature and (in the case of land) location, by the Minister after considering the recommendations of the Board."

Disposal of property through companies the securities of which are sold.

2.—(1) Section five of the Transport Act, 1953 (which relates to transfers of property to companies under the control of the Commission with a view to the sale of their shares) shall be amended as follows, that is to say—

- (a) for the references in that section to the shares of the company there shall, subject to the provisions of paragraph (e) of this subsection, be substituted references to all the securities of the company;
- (b) the said securities may be sold otherwise than in one parcel and tenders may be invited for the purchase thereof and offers made for the sale thereof otherwise than in one parcel;
- (c) proviso (b) to subsection (3) of that section (which confers a limited power to sell otherwise than by tender) shall cease to have effect, and securities may be sold under that subsection otherwise than by tender in any case where the Board approves or, on a reference of the matter to the Minister under subsection (6) of that section, the Minister directs;
- (d) the Commission may, in connection with any offer to the public of any of the said securities, pay commissions to persons who procure or undertake to procure persons to purchase all or any of the securities or who agree themselves to purchase all or any of the securities not otherwise sold as the result of the offer;
- (e) for the references (however worded) in subsections (7) to (12) of that section to the date of the transfer of the shares of the company in pursuance of a sale under that section there shall be substituted references to the date on which the company ceases to be under the direct or indirect control of the Commission.

(2) Notwithstanding anything in subsection (3) of the said section five, the Commission may, with a view to obtaining a better price for all or any of the securities of any company to which property has been made over under that section, defer inviting tenders for the purchase of, or offering for sale, or selling, all or any of those securities:

Provided that the power conferred by this subsection shall not be exercised except with the consent of the Minister, and the Minister may at any time revoke his consent as respects all or any of the securities in question, and the Commission shall thereupon proceed as soon as is reasonably practicable to sell those securities in accordance with the said subsection (3) as modified by subsection (1) of this section.

The Commission shall include in their annual report under subsection (7) of section four of the Transport Act, 1947, particulars of any exercise by the Minister of his powers under the proviso to this subsection which takes place during the year.

(3) The provisions of the Schedule to this Act shall have effect for the purpose of facilitating the reorganisation of the capital of companies to which property has been made over under the said section five.

(4) As respects any vehicles which, immediately before the expiration of the five year period mentioned in Part II of the First Schedule to the Transport Act, 1953, are—

(a) owned by a company to which vehicles have been transferred under the said section five; and

(b) authorised to be used under a licence granted to the Commission under the said Part II,

the said licence shall be deemed to have been granted for a period expiring with the end of the said five year period or with the date when the company ceases to be under the direct or indirect control of the Commission, whichever last occurs:

Provided that if, after the expiration of the said five year period and before the company ceases to be under the direct or indirect control of the Commission, any of the vehicles authorised to be used under the licence are disposed of by the company to the Commission, the licence shall thereupon cease to have effect with respect to those vehicles.

(5) Subsection (2) of section four of the Transport Act, 1953 (which requires information as to the principal activities of certain companies to be included in the annual statements of the Commission under section ninety-four of the Transport Act, 1947), shall apply in relation to companies to which the Commission has made over property under section five of the Transport Act, 1953, as it applies in relation to the companies referred to in the said subsection (2).

(6) In subsection (2) of the said section five (which relates to the price at which property is to be made over under that section) the words from “ and the references to values shown in the books of the Commission ” to the end of the subsection (being words which relate to certain adjustments to be made by the Commission in the values shown in their books) are hereby repealed.

(7) Paragraphs (e) and (f) of subsection (4) of section two of the Transport Act, 1947 (which restrict the power of the Commission to trade in spare parts for, or accessories to, road vehicles, or in petrol or oil for road vehicles, or to engage in the maintenance or repair of road vehicles), shall not apply to dealings of the Commission with any company to which property has been made over under section five of the Transport Act, 1953, being dealings which take place not later than twelve months after the company has ceased to be under the direct or indirect control of the Commission.

Special provisions as to vehicles used exclusively for particular contracts.

3.—(1) Where—

- (a) before the fifteenth day of December, nineteen hundred and fifty-five, a contract was in force between the Commission and a person carrying on a trade or business (not being the business of carrying or arranging for the carrying of goods); and
- (b) that contract provided for the carriage of goods in vehicles of the Commission for or in connection with that trade or business during a continuous period of not less than one year; and
- (c) whether before or after the passing of this Act, that contract comes to an end on or after the said fifteenth day of December,

the following provisions of this section shall apply, and shall, as from the said fifteenth day of December, be deemed always to have applied, to any vehicles forming part of the property held by the Commission for the purposes of the existing road haulage undertaking which, at the time of the coming to an end of that contract, are exclusively used for the purposes of that contract.

(2) If, whether before or after the passing of this Act and whether before or after the said fifteenth day of December, the Commission or a company under their direct or indirect control have entered into a further contract with the other party to the said contract, being a contract for the carriage of goods in vehicles of the Commission or the company for or in connection with his said trade or business during a continuous period of not less than one year beginning with the coming to an end of the said contract, the Commission may (notwithstanding anything in subsection (5) of section six of the Transport Act, 1953) dispose of all or any of the vehicles by making them over to a company under their direct or indirect control with a view to the use thereof exclusively for the purposes of the said further contract so long as that contract continues:

Provided that—

- (a) not more vehicles shall be made over as aforesaid with a view to the use thereof for the purposes of the said further contract than are required for the purposes thereof; and

(b) where the Commission make over any vehicles as aforesaid, they shall give notice thereof to the Board at or before the time when the vehicles are so made over.

(3) Where vehicles theretofore used for the purposes of a contract are made over to a company under subsection (2) of this section, any A licence under which they were authorised to be used before the coming to an end of that contract shall cease to have effect so far as it relates to them, and the Commission shall give all such notices and make all such applications as are necessary to secure that the licences are revoked or that the vehicles are removed therefrom, as the case may require.

(4) Where any vehicles are made over to a company under subsection (2) of this section, the Commission may (notwithstanding anything in subsection (5) of section six of the Transport Act, 1953) dispose also of other property, not being vehicles, by making it over to that company:

Provided that the property made over under this subsection to any company shall be only such property as may be specified in proposals submitted by the Commission to the Board and approved, as being appropriate in quantity, nature and (in the case of land) location, by the Minister after considering the recommendations of the Board.

(5) The powers conferred on the Commission by this section shall be in addition to the powers conferred on them by sections four and five of the Transport Act, 1953, but subsection (2) of the said section four (which relates to the annual statement to be prepared by the Commission under section ninety-four of the Transport Act, 1947) and subsection (3) of the said section four and subsection (6) of section seven of the said Act (which relate to conditions of employment) shall apply in relation to any companies to which property is made over under this section as they apply in relation to companies to which property is made over under the said section four.

(6) Any vehicles to which this section applies which are not disposed of under subsection (2) of this section or under the next following section shall be dealt with as property which cannot be disposed of as or as part of a transport unit, and section six of the Transport Act, 1953 (which relates to the disposal of property otherwise than in transport units) shall have effect in relation to them accordingly.

4.—(1) In addition to any vehicles made over to a company under the last preceding section, the Commission may, notwithstanding anything in subsection (5) of section six of the Transport Act, 1953, make over to that company such further vehicles as they may determine, so, however, that the total

Extra vehicles
for companies
to which
s. 3 applies.

number of vehicles made over to companies under this section shall not exceed such number as may be agreed between the Board and the Commission or in default of agreement determined by the Minister.

(2) Where any vehicles are made over to a company under this section, any A licence under which they were authorised to be used before they are so made over shall cease to have effect so far as it relates to them, and the Commission shall give all such notices and make all such applications as are necessary to secure that the licences are revoked or that the vehicles are removed therefrom, as the case may require.

**Reduction of
number of
trailers covered
by licences
under Part II of
First Schedule
to Transport
Act, 1953.**

5.—(1) The maximum number of trailers authorised to be used under licences granted to the Commission under paragraph 1 of Part II of the First Schedule to the Transport Act, 1953, shall at no time exceed the total number of trailers authorised to be used under the licences granted under that paragraph on applications made within the time therein limited less the number of trailers (being trailers forming part of the property held by the Commission for the purposes of the existing road haulage undertaking) which, whether before or after the passing of this Act, either—

- (a) are sold as part of a transport unit; or
- (b) are made over under section four of that Act to a company; or
- (c) are in the possession of a company to which property has been made over under section five of that Act at the time when that company ceases to be under the direct or indirect control of the Commission; or
- (d) are disposed of under section six of that Act; or
- (e) are made over to a company under either of the two last preceding sections,

or which, before the passing of this Act, have been destroyed, damaged beyond repair or sold or otherwise disposed of in the ordinary course of business without being replaced.

(2) The Commission shall give all such notices and make all such applications as are necessary to secure that the provisions of subsection (1) of this section are complied with.

**Supervision
and control
of disposal
of property,
etc.**

6.—(1) The Minister may give such directions as he thinks fit to the Commission as to the exercise by them of their powers under section three of this Act and of any power they may have to terminate such a contract as is mentioned in subsection (1) of the said section three.

(2) The Minister may give such directions as he thinks fit to the Commission as to the exercise by them of their powers (whether conferred by this Act or not) as holders of any of the securities of any company to which property has been made over by them under section five of the Transport Act, 1953, and of any powers conferred on them by name under the articles of association of any such company, being directions designed to procure either—

- (a) a reorganisation or alteration of the securities of the company; or
- (b) the inclusion on the board of the company of directors named by the Minister, not being a majority of the directors thereof.

(3) Where, under the proviso to subsection (1) of the said section five, the Board have approved the making over to a company of any property, rights or obligations, the Commission shall inform the Minister and shall not proceed further in the matter until the Minister has notified them that he is satisfied that the securities of the company are or will be suitable for the purposes of the said section five.

(4) If the Board is abolished before all the vehicles held by the Commission for the purposes of the existing road haulage undertaking (other than vehicles falling to be retained by the Commission) have been disposed of, the Minister may from time to time nominate one or more persons to make to him a report giving particulars, in such detail as he may require, of the vehicles forming part of the property held by the Commission for the purposes of the existing road haulage undertaking which had been disposed of up to a date specified by the Minister, of the manner in which those vehicles had been so disposed of, of the vehicles, if any, which remain to be disposed of at that date or fall to be retained by the Commission, and of such matters connected with the matters aforesaid as the Minister may require.

The Minister shall lay a copy of any report made to him under this subsection before each House of Parliament.

(5) It shall be the duty of the Commission, and of every company under the direct or indirect control of the Commission, to give to any person nominated to make a report under the last preceding subsection all such information, and to produce to him all such documents and permit him to enter on any such land in their possession and inspect any such vehicles or other property in their possession or under their control, as he may reasonably require for the purpose of satisfying himself as to any matter falling to be dealt with in the report.

Any question as to the reasonableness or otherwise of any requirement of any such person as aforesaid shall, on his application or on the application of the Commission, be determined by

the Minister, and the Minister's determination shall be binding on that person and on the Commission.

(6) For the avoidance of doubt it is hereby declared that if the Board is abolished before all the property held by the Commission for the purposes of the existing road haulage undertaking (other than property falling to be retained by the Commission) has been disposed of and all the securities of any company to which property has been made over under section five of that Act have been sold—

- (a) any notice which, if the Board had not been abolished, would have fallen to be given to the Board shall be given to the Minister; and
- (b) the Minister may give such directions as he thinks fit as to any matter which, if the Board had not been abolished, might, under subsection (8) of section three or subsection (6) of section five of that Act, have been referred by the Board to the Minister.

(7) Any directions given by the Minister under this section may be absolute or conditional, and the Commission shall comply with any such directions.

**Exemptions
from stamp
duty.**

7.—(1) Stamp duty shall not be payable on any conveyance, agreement, assignment or instrument certified by the Commission to the Commissioners of Inland Revenue to be made or executed solely for the purpose of making over, under section four or section five of the Transport Act, 1953, or subsection (2) or subsection (4) of section three of this Act, property, rights or obligations of the Commission to a company under their direct or indirect control:

Provided that no such conveyance, agreement, assignment or instrument shall be deemed to be duly stamped unless either it is stamped with the duty to which it would, but for this subsection, be liable or it has, in accordance with the provisions of section twelve of the Stamp Act, 1891, been stamped with a particular stamp denoting that it is not chargeable with any duty or that it is duly stamped.

(2) If the Commission certify to the Commissioners of Inland Revenue that a company to be formed by the Commission is one to which the Commission intend to make over property under the said section four, the said section five or the said subsection (2), stamp duty shall not be chargeable under section one hundred and twelve of the Stamp Act, 1891, in respect of the amount which is to form the nominal share capital of the company.

(3) Stamp duty shall not be chargeable—

- (a) under section one hundred and twelve of the Stamp Act, 1891, in respect of any increase of the nominal share capital of a company; or

- (b) under section eight of the Finance Act, 1899, in respect of any issue of loan capital by a company; or
- (c) on any trust deed securing loan capital proposed to be issued by a company,

if the Commission certify to the Commissioners of Inland Revenue that the company is one to which property has been or is intended to be made over by them under the said section four, the said section five or the said subsection (2) and that, at the time when the increase or issue is made, the company will be under the direct or indirect control of the Commission:

Provided that no such trust deed shall be deemed to be duly stamped unless either it is stamped with the duty to which it would, but for this subsection, be liable or it has, in accordance with the provisions of section twelve of the Stamp Act, 1891, been stamped with a particular stamp denoting that it is not chargeable with any duty or that it is duly stamped.

(4) In this section "loan capital" has the meaning ascribed to it by section eight of the Finance Act, 1899, as amended by section twenty-nine of the Finance Act, 1934.

8.—(1) The transport levy shall not be charged in respect of the use of any vehicle after the end of the year nineteen hundred and fifty-six and, so long as it remains chargeable, the unit charge for the purposes thereof shall remain at the sum of thirteen shillings and sixpence; and accordingly—

- (a) in subsection (1) of section twelve of the Transport Act, 1953, after the words "on or after the first day of January, nineteen hundred and fifty-four" there shall be inserted the words "but before the end of the year nineteen hundred and fifty-six"; and
- (b) in subsection (3) of that section, the words "until the end of the year nineteen hundred and fifty-five" and all the words after the words "thirteen shillings and sixpence" shall be repealed.

(2) As soon as may be after the passing of this Act and thereafter at such intervals as he may determine, the Minister shall pay over to the Commission the sums standing to the credit of the Transport Fund, except so much thereof as he may think it expedient to retain for the purpose of meeting liabilities of that Fund other than liabilities to the Commission.

(3) The payments falling to be made to the Commission under subsection (2) of this section shall be in lieu of any payments falling to be made to the Commission under sections thirteen to fifteen of the Transport Act, 1953, and—

- (a) in subsection (1) of the said section thirteen the words from "and out of which there shall be made" to the end of that subsection; and

(b) subsections (2) to (4) of the said section thirteen, and the whole of sections fourteen and fifteen of the said Act and of the Third Schedule thereto, are hereby repealed.

(4) On such date as the Minister may determine, being a date as soon as may be after the end of the year nineteen hundred and fifty-six, the Transport Fund shall be wound up, and thereafter—

- (a) any sums payable in respect of the salaries, allowances and expenses of the Board shall be paid by the Commission; and
- (b) any sums paid to the Minister under section twelve of the Transport Act, 1953, shall be paid over by him to the Commission,

and the account which, apart from this section, the Minister would have had to prepare under subsection (5) of section thirteen of the Transport Act, 1953, for the year nineteen hundred and fifty-six—

- (i) shall instead be an account for the period beginning with the first day of January in that year and ending with the date on which the Transport Fund is wound up; and
- (ii) may be transmitted to the Comptroller and Auditor-General at any time within six months from that date, and the said subsection (5) shall have effect accordingly.

Application to
Commission
of enactments
relating to
holding
companies.

9.—(1) For the purposes of the definition of the expression “holding company” in subsection (3) of section twelve of the Road and Rail Traffic Act, 1933, the Commission shall be deemed to be a company, and the said section twelve (both as originally enacted and as applied by any subsequent enactment, whether passed before or after the passing of this Act) shall have effect accordingly.

(2) Nothing in this section shall affect the provisions of subsection (7) of section five of the Transport Act, 1953 (which relates to the application of the said section twelve where property is made over to a company under that section).

Short title,
interpretation
and extent.

10.—(1) This Act may be cited as the Transport (Disposal of Road Haulage Property) Act, 1956.

(2) Except where the context otherwise requires, expressions used in this Act have the same meaning as in the Transport Act, 1953, and subsection (8) of section thirty-five of that Act shall apply in relation to this Act as it applies in relation to that Act.

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

SCHEDULE

Section 2.

PROVISIONS FOR FACILITATING THE REORGANISATION OF
THE CAPITAL OF CERTAIN COMPANIES

1. The power conferred by section sixty-six of the Companies Act, 1948, on a company to reduce its share capital may, in the case of a company to which property has been made over under section five of the Transport Act, 1953, being a company in the shares of which no person other than the Commission has any beneficial interest, be exercised by ordinary resolution, and any reduction so made shall not be subject to confirmation by the court, and in any such case—

- (a) section sixty-nine of the Companies Act, 1948, shall apply with the modification that for any reference to an order of the court confirming the reduction of the share capital of a company there shall be substituted a reference to a copy of the resolution of the company for reducing its share capital and for the reference to a minute approved by the court showing the particulars mentioned in that section there shall be substituted a reference to a minute showing those particulars to the satisfaction of the registrar of companies;
- (b) subsections (3) and (4) of the said section sixty-nine shall not apply, but notice of the registration of the resolution by the registrar of companies shall be published in the London and Edinburgh Gazettes, and the registrar shall certify under his hand the registration of the resolution and his certificate shall be conclusive evidence that the share capital of the company is such as is stated in the resolution; and
- (c) sections sixty-seven, sixty-eight, seventy and seventy-one of the Companies Act, 1948, shall not apply.

2. If such a company as aforesaid exercises its right under paragraph 1 of this Schedule to reduce its share capital by ordinary resolution and without confirmation by the court, the Commission shall, as respects every debt due from the company at the date of the publication of the notice of the registration of the resolution under sub-paragraph (b) of the said paragraph 1, be under the like liability, and have the like rights, in relation to the creditor and the company, as if the Commission had guaranteed the payment of that debt by the company.

— ∞ —

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Stamp Act, 1891	54 & 55 Vict. c. 39.
Finance Act, 1899	62 & 63 Vict. c. 9.
Road and Rail Traffic Act, 1933	23 & 24 Geo. 5. c. 53.
Finance Act, 1934	24 & 25 Geo. 5. c. 32.
Transport Act, 1947	10 & 11 Geo. 6. c. 49.
Companies Act, 1948	11 & 12 Geo. 6. c. 38.
Transport Act, 1953	1 & 2 Eliz. 2. c. 13.

CHAPTER 57*Slum Clearance (Compensation) Act, 1956*

ARRANGEMENT OF SECTIONS

Section

1. Payments in respect of unfit houses occupied by owners.
2. Payments in respect of business premises in unfit houses.
3. Payments in respect of unfit but well maintained houses.
4. Interpretation.
5. Expenses.
6. Citation and extent.

An Act to make additional provision for payments in respect of certain unfit houses subject to compulsory purchase, clearance, demolition or closing orders; and for purposes connected therewith. [2nd August, 1956]

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:—

Payments in respect of unfit houses occupied by owners.

1.—(1) Where, on the thirteenth day of December, nineteen hundred and fifty-five, a house was wholly or partly occupied as a private dwelling by (or by a member of the family of) a person who acquired an interest in that house by purchase for value during the material period, then if at any time during the ten years commencing with the said date that house has been purchased at site value in pursuance of a compulsory purchase order or vacated in pursuance of a clearance order, demolition order or closing order and if at the date when the house was purchased compulsorily or, as the case may be, vacated the person aforesaid or a member of his family was entitled to an interest in the house, the appropriate authority shall make in respect of that interest a payment of an amount equal to its full compulsory purchase value less the compensation which was or would have been payable in respect of the interest in connection with the compulsory purchase of the house at site value:

Provided that any amount which would otherwise be payable under this section shall be reduced by so much, if any, of that amount as may reasonably be attributed to any part of the house occupied at the date of the making of the order for any purposes other than those of a private dwelling.

(2) The foregoing subsection shall have effect—

- (a) where a person ceased to occupy a house or part of a house not more than one year before the said thirteenth day of December by reason only of a posting in the course of his duties as a member of the armed forces of the Crown or of a change in the place of his employment or occupation, as if that person had occupied that house or part on that day in like manner as immediately before he ceased to occupy it; and
- (b) where a house had been vacated before the said thirteenth day of December in consequence of the making of a compulsory purchase order in respect thereof or in pursuance of a clearance order, demolition order or closing order but the demolition of that house had not been started by that day, as if that house had been occupied on that day by the same person and in the like manner as immediately before it was vacated and, in the case of a clearance, demolition or closing order, as if it had been vacated immediately after that day.

(3) Any question arising under the proviso to subsection (1) of this section as to the purposes for which any part of a house was occupied shall be determined by the Minister, and subject thereto the amount of any payment in respect of an interest under this section shall be determined (in default of agreement), and any such payment shall be dealt with, as if it were compensation payable in respect of a compulsory purchase of the interest under Part III of the principal Act:

Provided that, in relation to an interest which, at the date when the house was purchased compulsorily or, as the case may be, vacated, was held by virtue of an agreement to purchase by instalments, this subsection shall have effect as if the words “and any such payment shall be dealt with” were omitted therefrom, and the payment shall be made to the person entitled to the interest at the said date.

(4) Where a payment falls to be made under this section in respect of any person's interest in a house and at the date when the house was purchased compulsorily or, as the case may be, vacated, that interest was the subject of a mortgage or other charge or an agreement to purchase by instalments, either party to the mortgage, charge or agreement may apply to the county court who, after giving to the other party to the mortgage, charge or agreement an opportunity of being heard, may, if the court thinks fit, make an order—

- (a) in the case of a house which has been purchased compulsorily, discharging or modifying any outstanding liabilities of the person aforesaid by virtue of any bond,

covenant or other obligation with respect to the debt secured by the mortgage or charge or by virtue of the agreement; or

- (b) in the case of a house vacated in pursuance of a clearance order, demolition order or closing order, discharging or modifying the terms of the mortgage, charge or agreement,

and in either case either unconditionally or subject to such terms and conditions, including conditions with respect to the payment of moneys, as the court may think just and equitable to impose.

(5) In determining in any case what order, if any, to make under the last foregoing subsection, the court shall have regard to all the circumstances of the case, and in particular, in the case of a mortgage or charge—

- (a) to whether the mortgagee or person entitled to the benefit of the charge acted reasonably in advancing the principal sum on the terms of the mortgage or charge; and

- (b) to the extent to which the house may have become unfit for human habitation owing to any default on the part of the mortgagor or person entitled to the interest charged in carrying out any obligation under the terms of the mortgage or charge with respect to the repair of the house,

or, in the case of an agreement to purchase by instalments, to how far the amount already paid by way of principal, or, where the house has been purchased compulsorily, the aggregate of that amount and so much, if any, of the compensation in respect of the compulsory purchase as falls to be paid to the vendor, represents an adequate price for the purchase; and for the purposes of paragraph (a) of this subsection the mortgagee or person entitled to the benefit of the charge shall be deemed to have acted unreasonably if, at the time when the mortgage or charge was made, he knew or ought to have known that in all the circumstances of the case the terms of the mortgage or charge did not afford sufficient security for the principal sum advanced.

Payments in respect of business premises in unfit houses.

2.—(1) Where, on or after the thirteenth day of December, nineteen hundred and fifty-five, a house has been purchased at site value in pursuance of a compulsory purchase order or vacated in pursuance of a clearance order or demolition order and at the date of the making of the order that house was occupied wholly or partly for the purposes of a business and the person entitled to the receipts of the business held an interest in the house, the appropriate authority shall make in respect of that interest a payment of an amount equal to the full compulsory purchase value of the interest less the compensation which was or would

have been payable in respect of the interest in connection with the compulsory purchase of the house at site value:

Provided that—

- (a) any amount which would otherwise be payable under this section shall be reduced by so much, if any, of that amount as may reasonably be attributed to any part of the house not occupied at the date of the making of the order for the purposes of the business;
- (b) no payment shall be made under this section in respect of any interest in a house unless the house was occupied wholly or partly for business purposes, and a person entitled to the receipts of a business carried on wholly or partly therein held an interest in the house, either on the said thirteenth day of December or at all times during the ten years preceding the date of the making of the order.

(2) Any question arising under paragraph (a) of the proviso to the foregoing subsection as to the purposes for which any part of a house was occupied shall be determined by the Minister, and subject thereto the amount of any payment in respect of an interest under this section shall be determined (in default of agreement), and any such payment shall be dealt with, as if it were compensation payable in respect of a compulsory purchase of the interest under Part III of the principal Act.

3.—(1) For the purposes of any payment made on or after the thirteenth day of December, nineteen hundred and fifty-five, under section forty-two of the principal Act (which provides for payments to be made in respect of unfit houses which have been well maintained), the Minister may from time to time by order made by statutory instrument vary the multipliers specified with respect to rateable value in paragraph (b) of subsection (2) of the said section forty-two; and any payment made under the said section forty-two on or after the said thirteenth day of December but before the passing of this Act (other than any amount which falls to be dealt with under subsection (4) of this section) shall be adjusted accordingly:

Payments in respect of unfit but well maintained houses.

Provided that an order under this subsection shall be of no effect until it is approved by a resolution of each House of Parliament.

(2) If—

- (a) a house has, on or after the said thirteenth day of December, been vacated in pursuance of a demolition order or closing order, or purchased compulsorily under section three of the Housing Repairs and Rents Act, 1954, in lieu of the making of a demolition order in respect thereof; and

- (b) any person has, within three months after the service of the demolition or closing order or of the notice of determination to purchase required by subsection (3) of the said section three, or, where the order or notice was served before the date of the passing of this Act, within three months after that date, made a representation to the appropriate authority that the house has been well maintained and that the good maintenance of the house is attributable wholly or partly to work carried out by him or at his expense; and
- (c) leaving out of account any defects in the house in respect of any such matters as are mentioned in paragraphs (b) to (h) of subsection (1) of section nine of the said Act of 1954, the representation is correct,

the appropriate authority shall (subject to subsection (4) of this section) make to that person in respect of that house the like payment as would have fallen to be so made under the said section forty-two if the house had been a house to which that section applies and directions had been given by the Minister for the making of a payment thereunder.

(3) If, on receiving a representation under the last foregoing subsection, the appropriate authority consider that the condition specified in paragraph (c) of that subsection is not satisfied, they shall serve upon the person by whom the representation was made notice that no payment falls to be made to him under that subsection; and section fifteen of the principal Act (which provides for an appeal against certain notices and orders) shall apply in relation to any notice under this subsection, so, however, that if the persons who would be entitled to appear and be heard on any appeal made by virtue of this subsection under the said section fifteen so agree in writing, any matter in dispute which might have been the subject of such an appeal shall instead be submitted to arbitration.

(4) No payment under the said section forty-two or under subsection (2) of this section shall be made to any person in respect of a house in a case where a payment falls to be made in respect of an interest of that person in that house under section one or two of this Act; and where any such payment as first mentioned has been so made before the passing of this Act, the amount thereof shall be deducted from the payment otherwise falling to be made in respect of that person's interest in the house under the said section one or two:

Provided that where the payment under the said section one or two falls to be made in relation to part only of the house, this subsection shall not apply to so much of any amount which has been paid or which would otherwise be payable under the

said section forty-two or under subsection (2) of this section as may reasonably be attributed to the remainder of the house.

4.—(1) For the purposes of this Act, a house which might have been the subject of a demolition order but which has, without the making of such an order, been vacated and demolished in pursuance of an undertaking for its demolition given to the local authority shall be deemed to have been vacated in pursuance of a demolition order made and served at the date when the undertaking was given. Interpretation.

(2) In this Act, except where the context otherwise requires, the following expressions have the following meanings respectively, that is to say—

- “ appropriate authority ” means the authority by whom the compulsory purchase order, clearance order, demolition order or closing order in question was made;
- “ business ”, in relation to the purposes for which a house was occupied, does not include the letting of accommodation in that house, whether with or without service;
- “ clearance order ” means an order under section twenty-six of the principal Act;
- “ closing order ” means an order under section ten of the Local Government (Miscellaneous Provisions) Act, 1953, made in lieu of a demolition order;
- “ compensation ”, in relation to compulsory purchase, means the compensation payable in respect thereof apart from any payment under section thirty-one or thirty-five of the Town and Country Planning Act, 1954;
- “ demolition order ” means an order under section eleven of the principal Act, but does not include such an order in respect of a house already subject to a closing order so far as it affects any part of the house in relation to which a payment under section one or section three of this Act has fallen to be made in respect of the closing order;
- “ family ”, in relation to any person, means the husband or wife, the children over eighteen years of age and the parents of that person;
- “ full compulsory purchase value ”, in relation to any interest in a house, means the compensation payable in respect of the compulsory purchase of that interest if that compensation fell to be assessed in accordance with subsections (1) and (4) of section forty of the principal

Act and paragraph 2 of the Fourth Schedule to that Act had not been passed and, in the case of a house subject to a clearance order, demolition order or closing order, if the making of that order were the service of the notice to treat;

“house” has the same meaning as in the principal Act and includes any building constructed or adapted wholly or partly as, or for the purposes of, a dwelling;

“interest” in a house does not include the interest of a tenant for a year or any less period than a year or of a tenant whose sole right to possession is under the Rent and Mortgage Interest Restrictions Acts, 1920 to 1939;

“material period” means the period commencing with the first day of September, nineteen hundred and thirty-nine, and ending immediately before whichever is the earlier of the thirteenth day of December, nineteen hundred and fifty-five, or—

(a) in the case of a house comprised in an area declared as a clearance area under section twenty-five of the principal Act, the date when the area was so declared;

(b) in the case of a house authorised by an order confirmed by the Minister under subsection (3) of section thirty-six of the principal Act to be purchased compulsorily as being unfit for human habitation and not capable at reasonable expense of being rendered so fit, or a house purchased compulsorily under Part IV of the Town and Country Planning Act, 1947, declared to be unfit for human habitation by an order confirmed by the Minister under paragraph 9 of the Fifth Schedule to the Town and Country Planning Act, 1944, the date when the order was made;

(c) in the case of a house purchased compulsorily under section sixteen of the principal Act after the court, in allowing an appeal against a notice requiring the execution of works to that house, has found that the house cannot be rendered fit for human habitation at a reasonable expense, the date when that notice was served;

(d) in the case of a house purchased compulsorily under section three of the Housing Repairs and Rents Act, 1954, in lieu of the making of a demolition order in respect thereof, the date when the notice required by subsection (3) of that section was served;

(e) in the case of a house vacated in pursuance of a demolition order or closing order, the date when the order was made;

“ the Minister ” means the Minister of Housing and Local Government;

“ principal Act ” means the Housing Act, 1936;

“ site value ” in relation to the compulsory purchase of a house, means compensation in respect thereof assessed in accordance with the provisions of subsection (4) of section sixteen, or subsection (2) or (3) of section forty, of the principal Act.

(3) Save where the context otherwise requires, references in this Act to any enactment shall be construed as references to that enactment as amended by or under any other enactment, including any enactment contained in this Act.

5. Any increase attributable to the provisions of this Act in **Expenses.** the sums payable under any other Act out of moneys provided by Parliament shall be defrayed out of moneys so provided.

6.—(1) This Act may be cited as the Slum Clearance (**Citation and** **extent.** compensation) Act, 1956, and shall be included among the Acts which may be cited together as the Housing Acts, 1936 to 1956.

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

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Housing Act, 1936	26 Geo. 5. & 1 Edw. 8. c. 51.
Town and Country Planning Act, 1944 ...	7 & 8 Geo. 6. c. 47.
Town and Country Planning Act, 1947 ...	10 & 11 Geo. 6. c. 51.
Local Government (Miscellaneous Provisions) Act, 1953	1 & 2 Eliz. 2. c. 26.
Housing Repairs and Rents Act, 1954 ...	2 & 3 Eliz. 2. c. 53.
Town and Country Planning Act, 1954 ...	2 & 3 Eliz. 2. c. 72.

CHAPTER 58*Department of Scientific and Industrial Research Act, 1956*

ARRANGEMENT OF SECTIONS

Section

1. Reorganisation of scientific and industrial research.
2. The Research Council.
3. Expenses and payments.
4. Revocations, transitional provisions, etc.
5. Short title and commencement.

An Act to make provision with respect to the Department of Scientific and Industrial Research; and for purposes connected therewith.

[2nd August, 1956]

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:—

Reorganisation
of scientific
and industrial
research.

1.—(1) The Department of Scientific and Industrial Research (in this Act referred to as “the Department”) shall be placed under the charge of a Council for Scientific and Industrial Research (in this Act referred to as “the Research Council”) whose functions under this Act shall be exercised on behalf of the Crown and whose members shall be appointed by the Lord President of the Council after consultation with the President of the Royal Society.

9 & 10 Geo. 6.
c. 31.

(2) In the exercise of any powers or the performance of any duties conferred or imposed upon them by this Act, the Research Council shall comply with any directions which may from time to time be given to them by a Committee of the Privy Council for scientific and industrial research consisting of the Lord President of the Council and such other members as Her Majesty may from time to time appoint; and for the purposes of the Ministers of the Crown (Transfer of Functions) Act, 1946, the expression “Minister of the Crown” in that Act shall include that Committee.

(3) The Research Council shall be charged with the organisation, development and encouragement of scientific and of industrial research and with the dissemination of the results of

such research, and without prejudice to the generality of the foregoing provisions of this subsection may in particular—

- (a) encourage and support scientific research in universities, technical colleges and other institutions; and
- (b) establish or develop institutions or departments of institutions for investigation and research relating to the advancement of trade and industry; and
- (c) take steps to further the practical application of the results of scientific and of industrial research,

and may make grants for the purposes of any of their functions under this subsection; and in exercising their functions under this subsection the Research Council shall have regard, consistently with the national interest, to similar or related activities carried on by other persons.

(4) The Research Council may also make grants for post-graduate instruction in science or technology.

(5) The Secretary of the Research Council (in this Act referred to as “the Secretary”) shall be appointed by the Lord President of the Council after consultation with the Research Council, and the other officers and servants of the Department shall, subject to the consent of the Treasury as to number, be appointed by the Research Council; and the Secretary, officers and servants so appointed shall be paid such salaries and allowances as the Research Council may with the consent of the Treasury determine.

2.—(1) The Research Council shall consist of such number of The Research Council. members as the Lord President of the Council may from time to time determine, and the Lord President of the Council shall from time to time appoint one of those members to act as the chairman of the Research Council; and the chairman and other members of the Research Council shall hold and vacate their offices in accordance with the terms of their respective appointments.

(2) The Research Council shall be a body corporate and shall have an official seal, which shall be authenticated by the signature of the Secretary or of a person authorised by the Secretary, with the approval of the Research Council, to act in that behalf, and which shall be officially and judicially noticed.

(3) The Research Council shall have power to enter into contracts or agreements, to acquire and hold land or any interest in land, and to do all other things necessary or convenient for the purpose of their functions under this Act; and any land or

interest in land acquired by the Research Council shall be held on trust for Her Majesty for the public service:

Provided that any contract or agreement made by or on behalf of the Research Council otherwise than under seal shall be signed by the Secretary or by a person authorised by the Secretary, with the approval of the Research Council, to act in that behalf.

(4) The Research Council may appoint committees to exercise, or advise them on the exercise of, any of their functions under the foregoing section, and may appoint to any such committee persons who are not members of the Research Council, and the Research Council may also enter into arrangements for the performance of such functions on their behalf by other persons.

(5) There shall be paid to the members of the Research Council or of any committee appointed by that Council such remuneration as the Treasury may authorise.

(6) The procedure and quorum of the Research Council and any committee appointed by that Council shall be such as that Council may from time to time determine.

(7) The Research Council shall in each year send to the Committee of the Privy Council referred to in subsection (2) of the foregoing section a report of their proceedings during the preceding year, and the Lord President of the Council shall cause a copy of that report to be laid before each House of Parliament.

(8) Every document purporting to be an instrument made or issued by or on behalf of the Research Council and to be sealed with their seal authenticated in the manner provided by subsection (2), or to be signed as mentioned in subsection (3), of this section shall be received in evidence and be deemed to be so made or issued without further proof, unless the contrary is shown.

**Expenses
and payments.**

3.—(1) The remuneration of the members of the Research Council or of any committee appointed by that Council, the salaries and allowances of the Secretary and of the other officers and servants of the Department, and any expenditure incurred by the Research Council under this Act, shall be defrayed out of moneys provided by Parliament.

(2) Any payment by or on behalf of the Research Council under this Act shall be made through a person authorised by the Secretary, with the approval of the Research Council, to act in that behalf.

4.—(1) Any Order in Council in force immediately before the appointed day relating to the Committee of the Privy Council for scientific and industrial research and to an advisory council for the purposes of that Committee is hereby revoked, but any person serving immediately before that day as a member, the Secretary or an officer of that Committee shall be deemed to have been duly appointed in pursuance of this Act as respectively a member of the Committee of the Privy Council provided for by subsection (2) of section one of this Act, the Secretary of the Research Council, or an officer or servant of the Department.

Revocations,
transitional
provisions, etc.

(2) The Imperial Trust for the Encouragement of Scientific and Industrial Research is hereby dissolved, and any property vested in, rights enjoyed by, or liabilities incumbent on, that Trust immediately before the appointed day shall hereby vest in or devolve on the Research Council.

(3) Any property held for the purposes of the Department immediately before the appointed day by the Committee of the Privy Council set up under the Orders in Council referred to in subsection (1) of this section, and any rights or liabilities relating to the Department for which immediately before that day the said Committee held themselves responsible, shall hereby vest in or devolve on the Research Council.

5.—(1) This Act may be cited as the Department of Scientific and Industrial Research Act, 1956.

Short title
and commence-
ment.

(2) This Act shall come into force on such day as Her Majesty may by Order in Council appoint (in this Act referred to as “the appointed day”).

CHAPTER 59

Underground Works (London) Act, 1956

ARRANGEMENT OF SECTIONS

Section

1. Vesting of lands and works in the Minister of Works.
2. Compensation for lands vested in the Minister.
3. Roads and streets.
4. Drains and water-pipes.
5. Support of superjacent strata by underground works.
6. Restriction of building work above or near Lendal Terrace subway.
7. Provisions relating to British Transport Commission.
8. Provisions relating to London Electricity Board.
9. Expenses and receipts of the Minister.
10. Short title.

SCHEDULES:

First Schedule—Streets encroached upon by surface works connected with the shelters.

Second Schedule—Drains and water-pipes connected with the shelters.

An Act to vest in the Minister of Works certain underground works constructed in London during the recent war as air-raid shelters, together with other works connected therewith and land adjacent to those works; and for purposes connected with the matter aforesaid.
[2nd August, 1956]

WHEREAS during the recent war there were constructed by the London Passenger Transport Board, on behalf of the Crown in the exercise of emergency powers, and as part of the arrangements made by His late Majesty's Government for the protection of the civil population from air-raids, seven deep air-raid shelters, situated at Belsize Park, Camden Town, Goodge Street, Stockwell, Clapham North, Clapham Common and Clapham South respectively in the County of London and connected with the underground railway stations at those places (in this Act referred to collectively as "the deep tube shelters" and individually by the name of the place at which each shelter is situated), each consisting of a system of tunnels at a depth of sixty-five feet or more, together with other tunnels comprising staircases and other means of access from the underground railway platforms:

And whereas in connection with the deep tube shelters there were constructed as aforesaid certain other works, that is to say,—

- (a) works affording access to the deep tube shelters from the surface, consisting partly of structures erected on the surface (in this Act referred to collectively as "the surface structures") and partly of underground works (in this Act referred to collectively as "the underground access works"), namely, vertical shafts leading down to the shelters from the surface structures and, in the case of the Clapham North deep tube shelter, a subway (in this Act referred to as "the Lendal Terrace subway") which runs down from one of the surface structures to a point under Lendal Terrace in the metropolitan borough of Wandsworth where it meets the head of a vertical shaft leading to the shelter, and
- (b) other works ancillary to the deep tube shelters (in this Act referred to collectively as "the ancillary works"), consisting of ventilation shafts leading from the shelters to the surface and of water tanks constructed on or near the surface:

And whereas the Minister of Works (in this Act referred to as "the Minister") has before the passing of this Act acquired by purchase certain lands which include the sites of some of the

surface structures and ancillary works, together with parts of the deep tube shelters and of the underground access works where they lie under the surface of the lands so acquired:

And whereas it is expedient that so much of the deep tube shelters, and of the surface structures, underground access works and ancillary works, as is not already vested in the Minister should vest in him by the authority of Parliament:

And whereas in connection with the Bill for this Act there have been deposited with the London County Council plans (in this Act referred to as "the deposited plans") showing—

- (a) the lands affected by the provisions of this Act, other than lands of which only the subsoil is so affected;
- (b) the location of the subsoil (indicated on the deposited plans by the brown colouring of the corresponding surface areas) which comprises those parts of the deep tube shelters which are neither already vested in the Minister nor situated under the lands referred to in the preceding paragraph; and
- (c) the points (marked on the deposited plans with the letters "S" and "T") below which are situated the ends of the Lendal Terrace subway,

together with a book of reference to the deposited plans containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers, of the lands and subsoil referred to in paragraphs (a) and (b) of this recital:

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) The following lands and works, that is to say,—

- (a) the lands delineated on the signed plans and thereon coloured pink (which comprise the surface structures and ancillary works, in so far as they were not vested in the Minister immediately before the passing of this Act, together with land adjacent thereto and required for use in connection therewith and parts of the deep tube shelters and of the underground access works), and
- (b) those parts of the deep tube shelters and of the underground access works which were not vested in the Minister immediately before the passing of this Act and are not situated below the surface of the lands mentioned in the preceding paragraph,

Vesting of
lands and
works in the
Minister of
Works.

shall by virtue of this subsection and without further assurance vest in the Minister for an estate in fee simple, freed and discharged

from all other estates, interests, rights and charges which, immediately before the passing of this Act, subsisted in, over or on those lands and works or any of them:

Provided that this subsection shall have effect subject to the following provisions of this Act with respect to the British Transport Commission and the London Electricity Board.

(2) In this section "the signed plans" means the plans signed in triplicate by Sir Thomas Dugdale, Baronet, the Chairman of the Committee of the House of Commons to whom the Bill for this Act was committed, of which one copy has been deposited in the Private Bill Office of the House of Commons, another copy has been deposited in the Parliament Office in the House of Lords, and the third copy has been retained by the Minister.

Compensation
for lands
vested in the
Minister.

2.—(1) In respect of the lands vested in the Minister by virtue of paragraph (a) of subsection (1) of the preceding section, the like compensation shall be payable by the Minister, and to the same persons, as would have been payable by him if he had acquired those lands compulsorily in the circumstances mentioned in the next following subsection; and the enactments relating to compensation in respect of the compulsory acquisition of land shall apply accordingly with the necessary modifications.

(2) The said circumstances are those which would have existed if—

- (a) the preceding section, instead of vesting the said lands in the Minister, had conferred on him power (exercisable on his being authorized so to do in accordance with the provisions of the Acquisition of Land (Authorisation Procedure) Act, 1946) to purchase them compulsorily and that Act had accordingly applied as if references therein to the Minister of Transport and Civil Aviation and to the enactments specified in subsection (1) of section one thereof had included respectively references to the Minister and to the preceding section;
- (b) the Minister had been duly authorized to purchase those lands compulsorily and for that purpose had served the requisite notices to treat immediately after the passing of this Act; and
- (c) immediately after the service of the said notices the Minister had been in the position of having complied with all the requirements of the Lands Clauses Acts with which (in the circumstances specified in the preceding paragraphs) he would have had to comply to enable him to exercise full vesting powers over those lands, and he had thereupon duly exercised those powers.

9 & 10 Geo. 6.
c. 49.

(3) In paragraph (c) of the last preceding subsection references to the exercise by the Minister of full vesting powers over the said lands are references to his executing all such deeds poll, and doing all such other things, as in accordance with the Lands Clauses Acts would be requisite for vesting those lands in him for an estate in fee simple freed and discharged from all other estates, interests, rights and charges.

(4) All estates, interests, rights and charges which, immediately before the passing of this Act, were subsisting in, over or on any of the said lands, and from which, by virtue of the preceding section, the Minister acquires those lands freed and discharged, shall be affected in the same way, and with the like consequences, and persons entitled thereto shall have the like rights and obligations, as if the circumstances mentioned in subsection (2) of this section had actually existed.

3.—(1) The following provisions shall have effect with respect to the private road which leads off Haverstock Hill in the metropolitan borough of Hampstead to the more northerly of the surface structures connected with the Belsize Park deep tube shelter, that is to say,—

- (a) any persons authorized by the Minister may pass (with or without vehicles) over that road for any purpose for which ingress to, or egress from, that shelter, or works connected therewith, may be required;
- (b) the Minister, if requested so to do by a person entitled to the fee simple of, or liable to repair, any part of that road, shall contribute such amount as may, in default of agreement, be determined by the Lands Tribunal to be just towards cost incurred by the person making the request in maintaining or repairing that part of the road at any time before that part becomes part of a highway repairable by the inhabitants at large.

(2) So much of any of the streets mentioned in the First Schedule to this Act as is comprised within the site of any of the surface structures or ancillary works shall cease to form part of a highway.

4.—(1) The drains and water-pipes described in the Second Schedule to this Act shall vest in the Minister by virtue of this subsection and without further assurance; and the Minister and persons authorized by him shall have all necessary rights of access to those drains and water-pipes for the purpose of maintaining, repairing and replacing them from time to time.

(2) In the case of the soil drain described in paragraph 4 of the Second Schedule to this Act, the Minister shall permit discharges

to be made into the drain from any land through which the drain passes, subject to such reasonable requirements as he may impose, including (if he thinks fit) a requirement that the owner or occupier of the land from which the discharge is permitted shall contribute towards the expenses of maintaining, repairing and replacing the drain from time to time.

(3) If any person entitled to an interest in land traversed by any of the drains and water-pipes described in the Second Schedule to this Act proves that the value of his interest is depreciated by the coming into operation of subsection (1) of this section, the Minister shall pay him compensation equal to the amount of the depreciation.

(4) Any question with regard to—

- (a) a requirement of the Minister under subsection (2) of this section that a person shall make such a contribution as is mentioned in that subsection, or the amount of such a contribution, or
- (b) a person's entitlement to compensation under subsection (3) of this section, or the amount of any such compensation,

shall, in default of agreement, be determined by the Lands Tribunal.

(5) Any reference in this section or the said Second Schedule to a drain or to a water-pipe shall be construed as including a reference to any inspection chamber, ventilating shaft, meter or other accessory belonging to the drain or water-pipe.

Support of
superjacent
strata by
underground
works.

5.—(1) If at any time land supported by works to which this section applies subsides by reason of the falling in of the works or of a failure to keep them in a watertight condition, the Minister shall be liable in damages to the like extent, and to the same persons, as if—

- (a) at the time when the subsidence occurs the works had been subject to an easement of support for the benefit of that land, of any buildings thereon immediately before that time and of any sewers, cables, mains, pipes or other apparatus therein immediately before that time, and
- (b) the subsidence had been due to the infringement of that easement by the Minister by withdrawing support from that land at that time.

(2) This section applies to the deep tube shelters, the underground access works, and so much of any of the ancillary works as is underground.

6.—(1) No person shall carry out any work which involves—

(a) the erection of any building or structure on any of the lands in the metropolitan borough of Wandsworth numbered 25, 26 and 27 on the deposited plans, or

(b) any addition to a building or structure on those lands,

Restriction of building work above or near Lendal Terrace subway.

unless he has served on the Minister a notice specifying the work which he intends to carry out and the Minister has consented in writing thereto.

(2) The Minister may, for the purpose of determining whether or not to give his consent to the carrying out of any such work, require the person by whom the notice was served to furnish him with plans and specifications and such other particulars (if any) as the Minister may think necessary.

(3) If at the end of the period of six months beginning with the date of the service of the notice the Minister has neither given nor refused his consent to the carrying out of the work to which the notice relates, he shall be deemed to have given his consent.

(4) If the Minister refuses his consent for the purposes of this section, any person having an interest in any land to which the notice related may, at any time before the end of the period of six months beginning with the date of the refusal, serve on the Minister a notice requiring the Minister to purchase his interest.

(5) If any person entitled to an interest in any of the lands specified in paragraph (a) of subsection (1) of this section claims that the value of his interest therein is depreciated by reason of the presence of the Lendal Terrace subway, or by reason of the coming into operation of the preceding provisions of this section, he may at any time before the end of the period of twelve months beginning with the date of the passing of this Act serve on the Minister a notice requiring the Minister to purchase his interest.

(6) Where a notice is served on the Minister under either of the two last preceding subsections requiring the Minister to purchase an interest in land, the Minister shall be deemed to be authorized to purchase that interest compulsorily in accordance with the Acquisition of Land (Authorisation Procedure) Act, 1946, and to have served notice to treat on the date on which the notice to purchase that interest was served on him, and that Act shall apply accordingly as if references therein to the Minister of Transport and Civil Aviation and to the enactments specified in subsection (1) of section one thereof included respectively references to the Minister and to this section.

(7) 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, by virtue of the last preceding subsection, is deemed to have been served by the Minister. c. 57.

(8) The provisions of subsection (1) of this section shall be enforceable by civil proceedings by the Crown for an injunction or for any other appropriate relief.

(9) It shall be the duty of the clerk, or the person for the time being authorized to act as clerk, of the council of the metropolitan borough of Wandsworth to register the restriction imposed by subsection (1) of this section in the register of local land charges in like manner as if it were a restriction to which section fifteen of the Land Charges Act, 1925, applies by virtue of paragraph (b) of subsection (7) of that section.

15 & 16 Geo. 5.
c. 22.

Provisions
relating to
British
Transport
Commission.

7.—(1) The lands which vest in the Minister by virtue of paragraph (a) of subsection (1) of section one of this Act do not include any underground works which, immediately before the passing of this Act, were vested in the British Transport Commission and do not form part of the underground access works.

(2) For the purposes of the application of this Act in relation to points of junction between any of the deep tube shelters and any underground works of the said Commission, the shelters shall be taken not to include any part of any such works which, immediately before the passing of this Act, was vested in the Commission.

(3) Nothing in this Act shall prejudice the operation of the following agreements relating to the deep tube shelters in so far as those agreements are still in force and capable of taking effect, that is to say:—

- (a) agreements dated respectively the eighteenth day of December, nineteen hundred and forty-two, and the twenty-fourth day of May, nineteen hundred and forty-three, between the London Passenger Transport Board and the Minister of Home Security on behalf of the Crown;
- (b) an agreement dated the twenty-eighth day of June, nineteen hundred and forty-six, between the London Passenger Transport Board of the one part and the Secretary of State for the Home Department and the Minister of Works on behalf of the Crown of the other part;
- (c) an agreement dated the fifteenth day of November, nineteen hundred and forty-nine, between the London Transport Executive on behalf of the British Transport Commission (as successors to the London Passenger Transport Board) and the Minister of Works on behalf of the Crown.

Provisions
relating to
London
Electricity
Board.

8.—(1) Wires, mains, transformers and other apparatus belonging to the London Electricity Board shall be excepted from the vesting provided for by section one of this Act.

(2) The Minister shall pay the amount of any expenses reasonably incurred by the said Board in executing works whereof the execution is reasonably undertaken for the purpose of removing into a highway any length of main belonging to them which is situate in land which, by virtue of this Act, ceases to form part of a highway or of laying in a highway a length of main in substitution for any length of main belonging to them which is situate as aforesaid.

(3) Any question with regard to the amount of any payment to be made under the last foregoing subsection by the Minister or whether the execution of any works was reasonably undertaken shall, in default of agreement, be determined by the arbitration of a single arbitrator to be appointed, in default of agreement, by the President of the Institution of Civil Engineers on the application of either the Minister or the said Board after notice in writing to the other.

9. Any expenses incurred under or by virtue of this Act by the Minister and any expenses incurred by him in maintaining the deep tube shelters, the surface structures, the underground access works or the ancillary works shall be defrayed out of moneys provided by Parliament and any sums received by virtue of this Act by the Minister shall be paid into the Exchequer. Expenses and receipts of the Minister.

10. This Act may be cited as the Underground Works (London) Act, 1956. Short title.

SCHEDULES

FIRST SCHEDULE

Section 3.

STREETS ENCROACHED UPON BY SURFACE WORKS CONNECTED WITH THE SHELTERS

1. In the metropolitan borough of Hampstead (Belsize Park deep tube shelter), Haverstock Hill and Downside Crescent.
2. In the metropolitan borough of St. Pancras (Camden Town deep tube shelter), Buck Street.
3. In the metropolitan borough of Holborn (Goodge Street deep tube shelter), Chenies Street and North Crescent.
4. In the metropolitan borough of Lambeth (Stockwell deep tube shelter), Studley Road and South Lambeth Road.
5. In the metropolitan borough of Wandsworth (Clapham Common deep tube shelter), Clapham High Street, Carpenter's Place and Clapham Park Road.

U*

Section 4.

SECOND SCHEDULE

DRAINS AND WATER-PIPES CONNECTED WITH THE SHELTERS

1. In the metropolitan borough of Hampstead (Belsize Park deep tube shelter),—

- (a) the six-inch soil drain running from land vested in the Minister by this Act at the point marked "A" on the deposited plans to the point marked "B" thereon and thence to the point marked "C" thereon where it joins the borough council's sewer;
- (b) the surface-water drain running from land vested in the Minister by this Act at the point marked "D" on the deposited plans to the point marked "E" thereon, thence to the point marked "F" thereon and thence to the point marked "C" thereon where it joins the said sewer (being as to part thereof a six-inch pipe and as to the remainder thereof a conduit measuring approximately two feet six inches high and two feet broad); and
- (c) the one-inch water-pipe running from the Metropolitan Water Board's pipe in Haverstock Hill at the point marked "G" on the deposited plans to the point marked "H" thereon, thence to the point marked "J" thereon, and thence to the point marked "K" thereon where it enters land vested in the Minister by this Act.

2. In the metropolitan borough of St. Pancras (Goodge Street deep tube shelter), the six-inch soil drain running from land vested in the Minister by this Act at the point marked "L" on the deposited plans to the point marked "M" thereon where it joins the borough council's sewer.

3. In the metropolitan borough of Lambeth (Stockwell deep tube shelter), the one-inch water-pipe running from the Metropolitan Water Board's pipe in Clapham Road at the point marked "N" on the deposited plans to the point marked "O" thereon where it enters land vested in the Minister by this Act.

4. In the metropolitan borough of Wandsworth (Clapham North deep tube shelter), the part six-inch, part nine-inch, soil drain running from land vested in the Minister at the point marked "P" on the deposited plans to the point marked "Q" thereon and thence to the point marked "R" thereon where it joins the borough council's sewer.

5. In the metropolitan boroughs of Battersea and Wandsworth (Clapham South deep tube shelter),—

- (a) the six-inch soil drain running from land vested in the Minister by this Act at the point marked "U" on the deposited plans

to the point in Nightingale Lane marked "V" thereon where it joins the sewer belonging to the councils of those boroughs; and

2ND SCH.
—cont.

- (b) the one-inch water-pipe running from the Metropolitan Water Board's pipe at the point in Nightingale Lane marked "W" on the deposited plans to the point marked "X" thereon, thence to the point marked "Y" thereon, and thence to the point marked "Z" thereon where it enters land vested in the Minister by this Act.

CHAPTER 60

Valuation and Rating (Scotland) Act, 1956

ARRANGEMENT OF SECTIONS

PART I

Valuation

Section

1. Valuation areas and authorities and appointment of assessors and staff.
2. Administrative schemes.
3. Scottish Valuation Advisory Council.
4. Compensation to officers and transfer of property and liabilities.
5. Valuation Appeal Committees.
6. Ascertainment of gross annual value, net annual value and rateable value of lands and heritages.
7. Provisions relating to agricultural lands and heritages and dwelling-houses occupied in connection therewith.
8. Subjects to be excluded from valuation roll.
9. Duties of assessors.
10. Duties of Assessor of Public Undertakings (Scotland).
11. Supplementary valuation roll.
12. Information to be furnished by parties to appeal or complaint.
13. Times for giving notices, etc.
14. Stated case to Lands Valuation Appeal Court to set forth reasons for decision.
15. Transitory provisions.

PART II

Rating

16. Transference of liability for owners' rates and consequential reduction of rents.
17. Liability to charge of owner of unoccupied lands and heritages.
18. Amendment of Water (Scotland) Act, 1949.
19. Amendment of s. 229 of Act of 1947.

Section

20. Contributions in aid of rates by police authorities.
21. Contributions in aid of rates by Commissioners of Northern Lighthouses.
22. Exemption of churches, etc., from rates.
23. Provisions as to rates payable by charitable and other organisations.

PART III

Valuation and Rating of Gas Boards

24. Valuation and rating of Gas Boards.
25. Transitory provisions relating to valuation and rating of Gas Boards.

PART IV

Exchequer Grants

26. Exchequer Grants.
27. Meaning of "adjusted rateable value".
28. Amendment of s. 11 (1) of Act of 1954.
29. Duration of Part IV.

PART V

Miscellaneous and Consequential Provisions

30. Calculation or apportionment of sums to be according to net annual valuation.
31. Adaptation of Acts limiting expenditure by reference to gross annual or rateable valuation, etc.
32. Amendment of s. 47 (4) of Local Government (Scotland) Act, 1929.
33. Amendment of ss. 239 to 241 of Act of 1947.
34. Amendment of s. 248 of Act of 1947.
35. Amendment of s. 5 of Representation of the People Act, 1949.
36. Amendment of Seventh Schedule to Housing (Scotland) Act, 1950.
37. Amendment of s. 1 of House Letting and Rating (Scotland) Act, 1911.
38. Amendment of s. 1 (9) of Land Drainage (Scotland) Act, 1941.
39. Amendment of s. 30 (2) of Agriculture (Scotland) Act, 1948.
40. Adaptation of local Acts.
41. Financial provisions.
42. Provisions as to orders.
43. Interpretation.
44. Repeals.
45. Short title and extent.

SCHEDULES:

First Schedule—Deductions from gross annual value.

Second Schedule—Valuation timetable.

Third Schedule—Reduction of rents.

Fourth Schedule—New provisions for rating Gas Boards.

Fifth Schedule—Transitory provisions for rating Gas Boards.

Sixth Schedule—Exchequer Grants.

Seventh Schedule—Repeal of enactments.

An Act to amend the law regarding valuation and rating in Scotland; to amend the provisions of the Local Government (Financial Provisions) (Scotland) Act, 1954, with respect to the payment of Exchequer Grants to local authorities in Scotland and with respect to the apportionment of the expenditure of joint bodies among their constituent authorities; and for purposes connected with the matters aforesaid.

[2nd August, 1956]

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

VALUATION

1.—(1) Each burgh being a county of a city, and each county inclusive of any burgh therein situated other than a county of a city, shall be a valuation area, and the council of a burgh being a county of a city, or of a county, shall be the valuation authority for that burgh or county; and on and after the sixteenth day of May, nineteen hundred and fifty-seven, the valuation authorities constituted under this section shall have and exercise in relation to valuation the powers conferred by the Valuation Acts on the councils of large burghs and counties; and all functions in relation to valuation exercisable by the council of a large burgh other than a county of a city immediately before the said date shall on that date be transferred to and vest in the council of the county within which such burgh is situated.

Valuation areas and authorities and appointment of assessors and staff.

(2) Every valuation authority shall appoint, in accordance with the provisions hereinafter contained, an assessor and such other officers as may be necessary for the purposes of the Valuation Acts, and any assessor appointed under the said Acts and holding office immediately before the sixteenth day of May, nineteen hundred and fifty-seven, other than an assessor appointed under this section, shall cease to hold office on that date.

(3) Notwithstanding the foregoing provisions of this section, a valuation authority constituted under this section may enter on their duties at any time before the sixteenth day of May,

PART I
—cont.

nineteen hundred and fifty-seven, for the purpose of the appointment of an assessor under this section and for the purpose of anything necessary to bring this Act into operation on the said date, and any assessor or other officer appointed under this section shall enter upon his duties on such date as the valuation authority appointing him may determine:

Provided that—

- (a) a valuation authority shall not appoint an assessor under this section before regulations have been made by the Secretary of State under subsection (5) of this section ; and
- (b) a valuation authority shall not appoint an assessor under this section if the Secretary of State has given to them notice in writing that he proposes to consider the making of an order under section one hundred and twenty of the Act of 1947 combining that authority with another valuation authority, until the Secretary of State gives to the authorities in question a further notice in writing that he has decided not to make such an order, or such order is revoked under subsection (1) of section five of the Statutory Instruments Act, 1946.

(4) The power of the Secretary of State under section one hundred and twenty of the Act of 1947 with regard to the compulsory combination of local authorities shall be exercisable in relation to valuation authorities only on the recommendation of the Scottish Valuation Advisory Council hereinafter constituted, and such power may be so exercised without the application of any authority:

Provided that—

- (a) before making any order under the said section one hundred and twenty in relation to valuation authorities the Secretary of State shall consult the authorities concerned and give them an opportunity of considering the terms of the proposed order ; and
- (b) any such order shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(5) The Secretary of State shall make regulations prescribing the qualifications required to be possessed by any person appointed to the office of assessor, or by any person appointed under section eighty-three or ninety-three of the Act of 1947 to act as depute assessor, and, except as otherwise provided in such regulations,—

- (a) a person shall not be appointed under this section to the office of assessor ; and

(b) a person shall not be appointed to act as depute assessor, nor, on or after the sixteenth day of May, nineteen hundred and fifty-seven, shall any person act as depute assessor ;

PART I
—cont.

unless he possesses the qualifications so prescribed.

(6) An assessor or other officer appointed under this section shall receive such remuneration and allowances as the valuation authority appointing him may determine, and shall not, except with the consent of such authority and, in the case of the assessor, of the Secretary of State, engage in any other employment :

Provided that this subsection shall not prevent the exercise by the assessor of any functions conferred on him by or under any enactment.

(7) An assessor appointed under this section shall hold his office during the pleasure of the valuation authority so, however, that he shall not be removed from office or required to resign as an alternative thereto except—

(a) by a resolution of such authority passed by not less than two-thirds of the members present at a meeting of the authority the notice of which specifies as an item of business the consideration of the removal from office of the assessor or his being required to resign, and

(b) with the consent of the Secretary of State.

Before deciding whether or not to give such consent the Secretary of State shall give the authority and the assessor an opportunity of being heard by a person appointed by the Secretary of State.

(8) The power to make regulations conferred on the Secretary of State 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.

2.—(1) Every valuation authority shall have an administrative scheme setting forth the administrative arrangements for the discharge of their functions relating to valuation, including the appointment of an assessor and other officers for the purpose of their said functions and the arrangements to be made by the assessor for carrying out his duties. Administrative schemes.

(2) An administrative scheme under this section shall be prepared by the valuation authority and submitted to the Secretary of State who may, after consultation with the Scottish Valuation

PART I
—cont.

Advisory Council, approve the same with or without modification, and upon approval of such a scheme the valuation authority and any assessor or other officer appointed by them shall discharge their functions in accordance therewith.

(3) Subsections (5) and (6) of section one hundred and five of the Act of 1947 (which subsections relate to the revocation or alteration of administrative schemes made under the said section and the making of new schemes) shall with any necessary modifications apply to administrative schemes under this section in like manner as those subsections apply to the schemes therein mentioned:

Provided that the powers of the Secretary of State under those subsections shall be exercised in relation to schemes under this section only after consultation with the said Advisory Council.

**Scottish
Valuation
Advisory
Council.**

3.—(1) The Secretary of State shall constitute a Scottish Valuation Advisory Council (hereinafter referred to as “the Advisory Council”) consisting of fifteen members appointed by the Secretary of State, of whom not less than eight and not more than ten shall be appointed from a panel of persons (other than assessors) nominated by such associations as appear to the Secretary of State to represent valuation authorities, and the remainder shall include persons experienced in law or in valuation appointed after consultation with such persons as the Secretary of State may think fit.

(2) The Secretary of State shall appoint a chairman and a deputy chairman from among the members of the Advisory Council.

(3) A member of the Advisory Council shall hold office for such period as may be determined by the terms of his appointment, and shall be eligible for re-appointment.

(4) The functions of the Advisory Council shall include—

- (a) advising the Secretary of State on any matter relating to valuation which he may refer to them;
- (b) receiving from the assessors annual reports to be made by them on the progress of valuation or revaluation in their respective areas, and reviewing such progress;
- (c) considering administrative schemes for valuation in the various areas and making representations thereon to the Secretary of State;
- (d) considering arrangements to be made by the assessors to secure in accordance with the provisions hereinafter contained the valuation or revaluation once in every

five years of all lands and heritages in their respective areas and informing the Secretary of State of any modifications in such arrangements which the Advisory Council think advisable ;

- (e) making representations and recommendations to the Secretary of State on any matter relating to valuation.

(5) The Secretary of State shall appoint such officers of the Advisory Council as may be necessary for the purpose of the exercise by that Council of their functions under this Act.

(6) The Secretary of State may pay—

- (a) to the members of the Advisory Council such allowances in respect of loss of earnings or travelling or subsistence or other expenses necessarily suffered or incurred in the performance of their duties ;
- (b) to the officers of the Advisory Council such remuneration (whether by way of salary or fees) and such allowances in respect of travelling or subsistence ; and
- (c) such other expenditure incurred by the Advisory Council or the members or officers thereof for the purpose of their respective functions under this Act,

as he may, with the approval of the Treasury, determine.

(7) The Advisory Council shall submit to the Secretary of State an annual report of their proceedings, which report shall include a statement of expenditure incurred in the performance of their functions, and the Secretary of State shall cause such report to be published.

4.—(1) Any assessor, not being an officer of Inland Revenue, and any officer of a local authority who, in consequence of any provision of this Act or of anything done thereunder, suffers direct pecuniary loss by reason of the determination of his appointment or the diminution of his emoluments or pension rights shall have the like right to compensation as if the loss were due to a transfer of functions under the Act of 1947 taking place on the sixteenth day of May, nineteen hundred and fifty-seven, and the provisions of subsections (2) to (6) of section three hundred and eighteen of, and of the Eleventh Schedule to, the said Act shall apply accordingly.

Compensation to officers and transfer of property and liabilities.

(2) Any property and any liabilities so far as held or incurred by or on behalf of the council of a large burgh, other than a county of a city, for the purposes of their functions relating to valuation or the registration of electors shall on the sixteenth day of May, nineteen hundred and fifty-seven, be transferred to and vest in the council of the county in which such burgh is situated,

PART I
—cont.

and the provisions of section three hundred and seventeen of, and of the Tenth Schedule to, the Act of 1947 shall apply in relation to the transfer of such property and liabilities in like manner as if such transfer were effected by the said Act.

Valuation
Appeal
Committees.

5.—(1) For the purpose of hearing and determining appeals and complaints under the Valuation Acts the following provisions of this section shall have effect on and after the sixteenth day of May, nineteen hundred and fifty-seven,—

- (a) there shall be a committee, to be known as the Valuation Appeal Committee, for each valuation area, consisting of not less than fifteen and not more than twenty persons ;
- (b) the members of the Committee, who shall be persons residing or engaged in business or employed in the area, shall be appointed by the sheriff after consultation with such persons as he may think fit ;
- (c) each member shall hold office for three years and shall be eligible for re-appointment ;
- (d) the sheriff shall appoint from among the members a chairman and a deputy chairman and at any meeting of the Committee the chairman or, if he is absent, the deputy chairman shall have a casting vote ;
- (e) the sheriff shall fix the quorum of the Committee, which shall not be less than three ;
- (f) the sheriff shall also appoint a secretary to the Committee, and the person so appointed shall not be an officer of a local authority and shall not by himself or by any partner or assistant appear before the Committee of which he is secretary on behalf of any party to an appeal or complaint ;
- (g) the valuation authority shall pay to the secretary of the Committee such remuneration and allowances as they may agree with the sheriff or, in default of such agreement, as the Secretary of State may determine ;
- (h) the valuation authority shall provide for the Committee such accommodation and other services as may be requisite for enabling the Committee to exercise their functions ;
- (i) the provisions of Part VI of the Act of 1948 regarding the payment of allowances to members of local authorities and other bodies shall apply for the purpose of the payment of allowances to members of the Committee as if the Committee were a committee of the valuation authority ;

(j) the Committee shall sit at some convenient place in the valuation area, and where an appeal or complaint relates to lands and heritages in a large burgh, the Committee shall sit in the burgh, and the Committee shall give ten days' notice of any such sitting.

(2) A Committee appointed under this section shall hold such meetings as may be necessary for disposing of all appeals and complaints brought under the Valuation Acts in any year in the valuation area for which they are appointed; and the provisions of the Valuation Acts with regard to appeals and complaints shall, with any necessary modifications, apply to a Committee constituted under this section in like manner as they applied before the sixteenth day of May, nineteen hundred and fifty-seven, to a court of appeal constituted under those Acts; and the powers of such courts of appeal shall on and after the said date be transferred to and exercisable by the Committees constituted under this section.

(3) In this section the expression "sheriff" does not include a sheriff substitute and, in the case of a valuation area situated in more than one sheriffdom, means the sheriff of such one of those sheriffdoms as the Secretary of State may direct.

6.—(1) For the purpose of making up any valuation roll for the year 1961-62 or any subsequent year the gross annual value, the net annual value and the rateable value of any lands and heritages shall, subject to the next following section of this Act, be ascertained in accordance with the provisions of this section.

Ascertainment
of gross annual
value, net
annual value
and rateable
value of lands
and heritages.

(2) The gross annual value of any lands and heritages consisting of one or more dwelling-houses or other non-industrial buildings, with any garden, yard, garage, outhouse or pertinent belonging to and occupied along with such dwelling-house or dwelling-houses or buildings, but without other land, shall be the rent at which the lands and heritages might reasonably be expected to let from year to year if no grassum or consideration other than the rent were payable in respect of the lease and if the tenant undertook to pay all rates and the landlord undertook to bear the cost of the repairs and insurance and the other expenses, if any, necessary to maintain the lands and heritages in a state to command that rent.

(3) In ascertaining under subsection (2) of this section the gross annual value of any such lands and heritages as are mentioned in that subsection no account shall be taken of—

(a) any statutory provision limiting or otherwise affecting the rent which may be required or recovered from a tenant thereof; or

PART I
—cont.

(b) the value of any services which the landlord renders or procures to be rendered to the tenant (either alone or in common with other tenants of the landlord) other than the cost of repairs and insurance and of the other expenses, if any, necessary for the maintenance of the lands and heritages.

(4) In ascertaining under subsection (2) of this section the gross annual value of any dwelling-house—

(a) it shall be assumed that at the material time all the comparable accommodation in the locality is due shortly to become available for letting free from any restrictions (whether on rent or on recovery of possession) imposed by or under any enactment and at rents to be fixed without regard to any contributions payable by the Secretary of State or the local authority in respect of local authority houses or houses provided by a housing association or a development corporation and without regard to the terms on which structures are made available to a local authority under section one of the Housing (Temporary Accommodation) Act, 1944, and that no marked deficiency or excess exists in the amount of such accommodation as compared with the number of persons acceptable as tenants of such accommodation and genuinely competing for tenancies thereof;

(b) no account shall be taken of any statutory provision restricting the classes of person to whom the lands and heritages may be let.

(5) Any enactment requiring the rent fixed, approved or charged in respect of a dwelling-house to be taken into consideration in arriving at the gross annual value of the dwelling-house shall cease to have effect.

(6) The net annual value of any such lands and heritages as are mentioned in subsection (2) of this section shall be the gross annual value thereof as ascertained under that subsection less an amount representing the deduction specified in relation to that gross annual value in the second column of the table contained in the First Schedule to this Act.

(7) In the case of any such lands and heritages as are mentioned in subsection (2) of this section, or of any class thereof, the Secretary of State may by order provide that, for the deductions specified in the second column of 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.

The power to make orders conferred on the Secretary of State by this subsection shall be exercisable by statutory instrument and 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.

PART I
—cont.

(8) Subject to the provisions of Part III of this Act, the net annual value of any lands and heritages, other than such lands and heritages as are mentioned in subsection (2) of this section, shall be the rent at which the lands and heritages might reasonably be expected to let from year to year if no grassum or consideration other than the rent were payable in respect of the lease and if the tenant undertook to pay all rates and to bear the cost of the repairs and insurance and the other expenses, if any, necessary to maintain the lands and heritages in a state to command that rent.

(9) The rateable value of any lands and heritages shall, save as provided in section forty-five of the Local Government (Scotland) Act, 1929, be the net annual value thereof as ascertained under subsection (6) or subsection (8) of this section, as the case may be.

(10) Where the amount of the net annual value and of the rateable value in a case where those values are the same, or in any other case the amount of the rateable value, includes a fraction of a pound, the amount of both those values or of the rateable value, as the case may be, shall be increased or reduced, as the case may be, to the nearest complete pound, or if the fraction is ten shillings, the fraction shall be disregarded.

(11) In this section, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—

“development corporation” has the like meaning as in the New Towns Act, 1946 ;

“housing association” has the like meaning as in the Housing (Scotland) Act, 1950, and includes the Scottish Special Housing Association ;

“local authority houses” means any houses or dwelling-houses in respect of which a local authority is by section one hundred and thirty-seven of the Housing (Scotland) Act, 1950, required to keep a housing revenue account ;

“non-industrial building” means a building, or a part of a building, of any description, with the exception of a mill, factory or other premises of a similar character used wholly or mainly for industrial purposes and of premises valued as part of—

(a) a railway, tramway, dock, canal, gas, water or electricity undertaking, or

PART I
—cont.

(b) any public utility undertaking not falling within the foregoing paragraph ;

“pertinent” 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 ;

“services” includes attendance, the provision of furniture, heating or lighting, the supply of hot water and any other privilege or facility connected with the occupancy of any lands and heritages.

Provisions relating to agricultural lands and heritages and dwelling-houses occupied in connection therewith.

7.—(1) For the purpose of making up any valuation roll for the year 1961-62 or any subsequent year the following provisions of this section shall have effect regarding agricultural lands and heritages and dwelling-houses occupied in connection therewith.

(2) In this section—

“agricultural lands and heritages” means any lands and heritages used for agricultural or pastoral purposes only or as woodlands, market gardens, orchards, allotments or allotment gardens and any lands exceeding one quarter of an acre used for the purpose of poultry farming, but does not include any buildings thereon other than agricultural buildings, or any garden, yard, garage, outhouse or pertinent belonging to and occupied along with a dwelling-house, or any land kept or preserved mainly or exclusively for sporting purposes ;

“agricultural buildings” means buildings (other than dwelling-houses) occupied together with agricultural lands and heritages, or being or forming part of a market garden, and in either case used solely in connection with agricultural operations thereon ; and

“pertinent” has the like meaning as in the last foregoing section.

(3) No agricultural lands and heritages shall be entered in the valuation roll, and any reference in any enactment to the person appearing from the valuation roll to be the owner or the occupier of any lands and heritages shall on and after the sixteenth day of May, nineteen hundred and sixty-one, have effect in the case of agricultural lands and heritages as if the reference to the valuation roll were omitted.

(4) The gross annual value of any dwelling-house which—

(a) is occupied in connection with agricultural lands and heritages ; and

(b) is used as the dwelling-house of a person engaged primarily in carrying on or directing agricultural operations on those lands and heritages or employed as an agricultural worker thereon ; and

(c) is suitable in character and size for such use in connection with those lands and heritages, shall be determined in accordance with the provisions of subsection (2) of the last foregoing section, on the assumption, however, that it could not be occupied and used otherwise than as aforesaid.

(5) Save as provided in subsections (6) to (8) of this section the net annual value of any such dwelling-house as aforesaid shall be ascertained in accordance with subsection (6) of the last foregoing section, and the rateable value thereof shall be the net annual value thereof as so determined.

(6) Where such a dwelling-house as aforesaid is occupied—

(a) by a crofter or cottar within the meaning of the Crofters (Scotland) Act, 1955, or by a person to whom subsection (6) of section twenty-two of the said Act applies, or

(b) in connection with any agricultural lands and heritages situated within the counties to which that Act applies, being lands and heritages the area of which does not exceed fifty acres or the rent of which does not exceed fifty pounds per annum and which are occupied by the owner or tenant thereof,

the net annual value and the rateable value of the dwelling-house shall be the gross annual value thereof less an amount equal to fifty per cent. of such gross annual value.

(7) The Secretary of State may by order provide that for the amount specified in the last foregoing subsection there shall be substituted such amount, or an amount to be calculated in such manner, as may be specified in the order.

The power to make orders conferred on the Secretary of State by this subsection shall be exercisable by statutory instrument and 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.

(8) The foregoing provisions of this section shall apply, in like manner as they apply to such a dwelling-house as aforesaid which is occupied by a crofter within the meaning of the said Act of 1955,—

(a) to a dwelling-house occupied by any person or the husband or wife of any person to whom a conveyance in feu of the dwelling-house has been granted under section eighteen of that Act; and

(b) to such a dwelling-house as aforesaid occupied in connection with any agricultural lands and heritages situated within the counties to which that Act applies by a person who has no right or title so to do and who is engaged in the like activities and occupations as a crofter.

PART I
—cont.

Subjects to be excluded from valuation roll.

8.—(1) For the purpose of ascertaining the gross annual value of any lands and heritages no account shall be taken—

- (a) of any structure belonging to the Secretary of State and supplied by him 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-seven of the National Health Service (Scotland) Act, 1947, (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 shall be entered in the valuation roll for the year first commencing after the passing of this Act, or for any subsequent year.

(3) The foregoing 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.

Duties of assessors.

9.—(1) The assessor for each valuation area shall, in respect of the year 1961-62 and of every subsequent year, make up a valuation roll in accordance with the Valuation Acts, and—

- (a) for the purposes of the roll for the year 1961-62 and every fifth year thereafter (each of which years is hereinafter referred to as a year of revaluation) shall

value or revalue all the lands and heritages situated in the area ; and

PART I
—cont.

(b) for the purposes of the roll for any year other than a year of revaluation shall—

(i) enter such lands and heritages situated in the area as have previously been valued or revalued by him in pursuance of this subsection at the respective values entered in the roll made up under this subsection for the immediately preceding year ; and

(ii) value any other lands and heritages situated in the area which were not entered in the roll made up for the immediately preceding year :

Provided that notwithstanding the provisions of sub-paragraph (i) of paragraph (b) of this subsection the assessor shall, in making up a roll for any year other than a year of revaluation, give effect to—

(a) any alteration in the value of any lands and heritages which is due to a material change of circumstances ; or

(b) any alteration in the net annual value and rateable value of any lands and heritages which is due to an order made by the Secretary of State under subsection (7) of section six or subsection (7) of section seven of this Act.

(2) It shall not be competent for any person to appeal against, or to complain in respect of, any entry in a valuation roll made up under the foregoing subsection for any year other than a year of revaluation, except—

(a) on the ground that since the lands and heritages to which the entry relates were valued or last revalued there has been a material change of circumstances affecting their value ; or

(b) on the ground that the net annual value and rateable value of the lands and heritages to which the entry relates have been affected by an order made by the Secretary of State under subsection (7) of section six or subsection (7) of section seven of this Act ; or

(c) where the assessor proposes to enter an altered value in respect of the lands and heritages to which the entry relates ; or

(d) where such entry is a new entry.

(3) The assessor for each valuation area shall—

(a) make such arrangements as may be necessary to secure the valuation or revaluation of all the lands and heritages in the area in each year of revaluation ;

PART I
—cont.

- (b) submit such arrangements to the Secretary of State who may, after consultation with the Advisory Council, approve the same with or without modifications ; and
- (c) submit to the Advisory Council an annual report on the progress of valuation and revaluation in the area and send a copy of such report to the valuation authority for the area.

(4) Section five of the Lands Valuation (Scotland) Act, 1854 (which requires an assessor to transmit to each person who is a proprietor, tenant or occupier of lands and heritages included in the valuation roll a copy of the entry in such roll relating to those lands and heritages together with a notice of the right of appeal against such entry) shall have effect, in relation to the making up of any valuation roll under subsection (1) of this section, as if it required the assessor to transmit to each such person, in place of the said copy entry and accompanying notice, a notice in such form as the Secretary of State may by order prescribe ; and notwithstanding anything contained in the proviso to the said section five the assessor for each valuation area shall, in making up a valuation roll for any year of revaluation, transmit such last-mentioned notice to each person who is entered in the said roll as proprietor, tenant or occupier of lands and heritages included therein.

The power to make an order conferred on the Secretary of State by this subsection shall be exercisable by statutory instrument.

(5) The assessor for each valuation area shall, on making up a valuation roll for any year of revaluation, send two copies thereof to each rating authority whose area is situated within the valuation area, and each rating authority shall cause one of the said copies to be open to inspection during ordinary business hours at their offices or at such other convenient place or places as they may appoint for the period beginning with the date on which the copies of the roll are received by them and ending with the last date on which appeals to the Valuation Appeal Committee may be lodged in that year.

(6) Nothing in the foregoing provisions of this section shall require the assessor for any valuation area to value or revalue or to enter in any valuation roll made up by him under subsection (1) of this section any lands and heritages which the Assessor of Public Undertakings (Scotland) is required under any enactment to value.

(7) In this section “ material change of circumstances ” means in relation to any lands and heritages a change of circumstances affecting their value and, without prejudice to the foregoing generality, includes any alteration in such lands and heritages

and any relevant decision of the Lands Valuation Appeal Court or the Valuation Appeal Committee for the valuation area in which the lands and heritages are situated, but does not include a change in the rent of the said or any other lands and heritages or any change in the general level of valuations or in the values of lands and heritages situated in the area of a particular rating authority.

PART I
—cont.

10.—(1) The Assessor of Public Undertakings (Scotland) shall, in respect of the year 1961-62 and of every subsequent year, make up a valuation roll in accordance with the Valuation Acts, and for the purposes of the said roll and subject to the provisions of Part III of this Act the said Assessor shall—

Duties of
Assessor of
Public
Undertakings
(Scotland).

- (a) in respect of the year 1961-62 and of every fifth year thereafter value or revalue all lands and heritages which he is required under any enactment to value ;
- (b) in respect of each of the four years following the year 1961-62 or following such fifth year, as the case may be, enter such lands and heritages in the said roll at the respective values entered in the valuation roll made up under this subsection for the immediately preceding year ; and
- (c) value any other lands and heritages which were in existence at the commencement of the year in respect of which the valuation roll is being made up and which were not entered in the roll made up for the immediately preceding year :

Provided that it shall be the duty of the said Assessor, where by reason of a material change of circumstances there has been an alteration in the value of any lands and heritages which by virtue of paragraph (b) of this subsection fall to be entered in a valuation roll made up under this subsection at the value entered in respect of those lands and heritages in the roll made up for the immediately preceding year, to enter the altered value of such lands and heritages in the first-mentioned roll.

(2) It shall not be competent for any person to appeal against, or to complain in respect of, any entry in a valuation roll made up under the foregoing subsection in respect of any lands and heritages which, by virtue of paragraph (b) of the said subsection, fall to be entered at the same value as in the immediately preceding year, except—

- (a) on the ground that since they were valued or last revalued there has been a material change of circumstances affecting the value of the lands and heritages in question ; or
- (b) where the said Assessor proposes to enter an altered value in respect of such lands and heritages.

PART I
—cont.

An appeal on the ground mentioned in paragraph (a) of this subsection shall not be competent unless the said person has on or before the thirty-first day of March given to the said Assessor notice in writing of the material change of circumstances.

(3) In this section the expression “ material change of circumstances ” has the like meaning as in the last foregoing section.

Supplementary valuation roll.

11.—(1) It shall be lawful for any rating authority by notice given to the assessor before the first day of January falling within any year to require him to make up a supplementary valuation roll showing the value and other particulars as in the ordinary valuation roll of—

(a) all lands and heritages which were in existence at the commencement of the said year and which owing to error were not included in the ordinary valuation roll made up for that year ; and

(b) all lands and heritages which have come into existence and occupancy within the area of the rating authority after the commencement of the said year and which were not included in the said ordinary valuation roll ;

and such supplementary valuation roll shall include a column stating the respective dates on which any such lands and heritages as are mentioned in paragraph (b) of this subsection came into occupancy.

(2) The provisions of the Valuation Acts shall apply to a supplementary valuation roll in like manner as those provisions apply to an ordinary valuation roll subject to any necessary modifications.

(3) Any reference in any enactment to a supplementary valuation roll made up under section sixty of the Burgh Police (Scotland) Act, 1903, shall be construed as a reference to a supplementary valuation roll made up under this section.

Information to be furnished by parties to appeal or complaint.

12. Where an appeal or complaint is taken to a Valuation Appeal Committee—

(a) it shall be the duty of the assessor, if written request is made to him by the appellant or complainer at the time of lodging such appeal or complaint, to furnish to such appellant or complainer within ten days from the receipt of the request—

(i) a list of any lands and heritages on which the assessor proposes to found by way of comparison, and

(ii) a statement of the grounds on which the proposed entry in the valuation roll is arrived at ; and

(b) it shall be the duty of the appellant or complainer, if written request is made to him by the assessor, to furnish to the assessor within the like period—

(i) a list of any lands and heritages on which the appellant proposes to found by way of comparison, and

(ii) a statement of the grounds on which it is maintained that the value proposed to be entered in the valuation roll by the assessor is erroneous; and

(c) if a request is made under either of the foregoing paragraphs to one party by the other, the Valuation Appeal Committee shall not hear such appeal or complaint until after the expiry of fourteen days from the date of the receipt of the request.

13.—(1) The Secretary of State may by order prescribe the date on which or the period within which any notice requires to be given or any other thing requires to be done for the purposes of the Valuation Acts and may by such order alter any such date or time prescribed by or under any provision of the said Acts or of any local Act. Times for giving notices, etc.

(2) Notwithstanding anything in any enactment, the date on which or the period within which any notice or other thing mentioned in the first column of the Second Schedule to this Act is required to be given or done shall,—

(a) in respect of the ordinary valuation roll for the year 1961-62 or any subsequent year, and

(b) in respect of the supplementary valuation roll for the year 1956-57 or any subsequent year,

and until altered in pursuance of the foregoing subsection, be the date or period specified opposite that notice or thing in the second column of the said Schedule.

(3) Nothing in this section shall apply to any notice or thing required to be given or done for the purpose of any such appeal as is mentioned in section six of the Rating and Valuation (Scotland) Act, 1952.

(4) The power to make orders conferred on the Secretary of State by this section shall be exercisable by statutory instrument.

14. In addition to the matters required by section nine of the Valuation of Lands (Scotland) Amendment Act, 1879, to be set forth in a stated case, there shall also be set forth a statement of the reasons for the decision of the Valuation Appeal Committee. Stated case to Lands Valuation Appeal Court to set forth reasons for decision.

PART I
—cont.
Transitory provisions.

15.—(1) The assessor for each valuation area shall, in respect of the year first commencing after the passing of this Act and of every subsequent year before the year 1961-62, make up a valuation roll in accordance with the Valuation Acts and shall enter in the roll for any of the said years all lands and heritages situated in the area (other than lands and heritages which the Assessor of Public Undertakings (Scotland) is required under any enactment to value) at the respective values entered in the roll for the immediately preceding year :

Provided that it shall be the duty of the assessor in making up a valuation roll under this subsection for any year to enter therein altered values, to insert therein new entries, and to omit entries therefrom, so far as may be necessary in order to give effect to—

- (a) any material change of circumstances occurring after the commencement of the year in which this Act passed and affecting the value of any lands and heritages falling to be entered in the said roll ; or
- (b) the coming into existence or occupancy of any lands and heritages after the commencement of the said year ; or
- (c) the repeal by this Act of subsection (2) of section eighty-five of the Act of 1948.

(2) The Assessor of Public Undertakings (Scotland) shall, in respect of the year first commencing after the passing of this Act and of every subsequent year before the year 1961-62, make up a valuation roll in accordance with the Valuation Acts and, subject to the provisions of Part III of this Act, shall enter in each valuation roll made up under this subsection all lands and heritages which he is required under any enactment to value at the respective values entered in the valuation roll made up by him for the immediately preceding year :

Provided that it shall be the duty of the said Assessor in making up a valuation roll under this subsection for any year to enter therein such altered values, and to make therein such new entries, as may be necessary in order to give effect to—

- (a) any material change of circumstances occurring after the twenty-eighth day of February falling within the year immediately preceding the year in which this Act passed and affecting the value of the lands and heritages entered in the said roll ; or
- (b) the coming into existence or occupancy of any lands and heritages after the said twenty-eighth day of February.

(3) Where for the purpose of making up any valuation roll for the year first commencing after the passing of this Act or any subsequent year before the year 1961-62 it is necessary to value

or revalue any lands and heritages, the gross annual value of such lands and heritages shall be taken to be the gross annual value which they might reasonably have been expected to possess at the commencement of the year in which this Act passed on the assumption, in the case of lands and heritages which have come into existence after the commencement of the said year, that they were subsisting at such commencement :

Provided that for the purpose of estimating the gross annual value which any lands and heritages might have been expected to possess as aforesaid—

- (a) account shall be taken of any material change of circumstances occurring after the commencement of the year in which this Act passed and affecting the value of such lands and heritages ; and
- (b) subsection (6) of section seventy-three, paragraph (c) of subsection (1) of section one hundred and fourteen, section one hundred and twenty-four and section one hundred and seventy-eight of the Housing (Scotland) Act, 1950, shall, where applicable, have effect as if for references therein to the rent fixed, the rent payable, the maximum rent payable, the rent approved, the rent which would have been fixed, or the rent charged, in respect of any dwelling-house, or to the rent at which any dwelling-house was last let, there were substituted references to the rent or the maximum rent, as the case may be, which might reasonably have been expected to be fixed, payable, approved or charged in respect of that dwelling-house, or at which that dwelling-house might reasonably have been expected to let, at the commencement of the year in which the Act passed on the assumption, in the case of a dwelling-house which has come into existence after the commencement of the said year, that it was subsisting at such commencement, and having regard in any case to any such material change of circumstances as is referred to in paragraph (a) of this proviso.

(4) It shall not be competent for any person to appeal against, or to complain in respect of, any entry in a valuation roll made up under subsection (1) of this section in respect of any year, except—

- (a) on the ground that since the commencement of the year in which this Act passed there has been a material change of circumstances affecting the value of the lands and heritages to which the entry relates ; or
- (b) where the assessor proposes to enter an altered value in respect of the lands and heritages to which the entry relates ; or
- (c) where such entry is a new entry.

PART I
—cont.

(5) It shall not be competent for any person to appeal against, or to complain in respect of, any entry in a valuation roll made up under subsection (2) of this section by the Assessor of Public Undertakings (Scotland) in respect of any year, except—

- (a) on the ground that since the twenty-eighth day of February falling within the year immediately preceding the year in which this Act passed there has been a material change of circumstances affecting the value of the lands and heritages to which the entry relates ; or
- (b) where the said Assessor proposes to enter an altered value in respect of lands and heritages to which the entry relates ; or
- (c) where such entry is a new entry.

An appeal on the ground mentioned in paragraph (a) of this subsection shall not be competent unless the said person has, on or before the thirty-first day of March, given to the said Assessor notice in writing of the material change of circumstances.

(6) Section two hundred and twenty-eight of the Act of 1947 (which provides that where an appeal under the Valuation Acts is pending with respect to any lands and heritages a rating authority may levy rates on those lands and heritages according to their rateable value for the immediately preceding year) shall have effect for the purposes of the levying and recovery of rates for the year 1961-62 as if after the words “according to the rateable value thereof as appearing in the valuation roll for the year immediately preceding” there were inserted the words “or the rateable value thereof appearing in the entry in the valuation roll against which such appeal has been taken, whichever is the lesser”.

(7) The assessor for each valuation area shall, not later than the fifteenth day of April, nineteen hundred and sixty-one, estimate the net annual valuation and the rateable valuation in the immediately succeeding year of the landward area of each county and of each burgh situated within the valuation area and shall send certified copies of such estimate to the rating authority of such county or burgh and to the Secretary of State.

(8) Section two hundred and eighteen of the Act of 1947, as amended by section ten of the Act of 1954, shall not have effect in relation to the apportionment and allocation between local authorities, under section two hundred and fourteen of the Act of 1947 or any other enactment, statutory order or agreement, of expenditure in respect of the year 1961-62, and for the purpose of apportioning and allocating any such expenditure between local authorities under the said section two hundred and fourteen or any other enactment, statutory order or agreement, the following provisions of this subsection shall have effect in the said

year in any case where, apart from this subsection, the provisions of the said section two hundred and eighteen would apply:—

PART I
—cont

- (a) the rateable valuation and the net annual valuation in the valuation roll of each of the areas of the local authorities concerned shall be taken to be equal respectively to the estimate of the rateable valuation and the net annual valuation of that area made under the last foregoing subsection ; and
- (b) the standard rateable value of each of the said areas shall be taken to be the standard rateable value of that area as estimated by the Secretary of State for the purposes of the Act of 1954 in respect of the year 1961-62.

(9) In this section the expression “ material change of circumstances ” has the like meaning as in section nine of this Act.

PART II

RATING

16.—(1) In the year first commencing after the passing of this Act and in every subsequent year every rate levied by a rating authority shall be payable by occupiers only, and any reference in any enactment or statutory order to a rate or a portion of a rate payable by owners shall be construed accordingly.

Transference
of liability for
owners' rates
and
consequential
reduction of
rents.

(2) On and after the commencement of the year first commencing after the passing of this Act,—

- (a) the rents payable under leases of lands and heritages ;
- (b) the net rents and standard rents of dwelling-houses to which the Rent and Mortgage Interest Restrictions Acts, 1920 to 1939, apply ;
- (c) the amount of the rent or, as the case may be, the maximum amount of the rent fixed, determined or approved in respect of any dwelling-house by or in pursuance of any enactment specified in paragraph 10 of the Third Schedule to this Act ;

shall be reduced in accordance with the provisions of the said Schedule.

(3) Nothing in this section shall affect any right of a rating authority under any provision of the House Letting and Rating (Scotland) Acts, 1911 and 1920, or of the Act of 1947 or any other enactment, to recover the rates levied in respect of any lands and heritages from the owner thereof or the right of such owner to recover the same from the occupier or from the rating authority.

PART II
—cont.

Liability to charge of owner of unoccupied lands and heritages.

17.—(1) Where a rating authority are satisfied that the owner of any lands and heritages which have become unoccupied within their area is without reasonable cause allowing those lands and heritages to remain unoccupied, they may, after giving to such owner notice in writing of their intention to do so, levy upon him, in respect of the period commencing on such date as may be specified in the notice (not being earlier than six months from the date of the notice) and ending on the date on which the lands and heritages cease to be unoccupied, a charge of an amount equal to such proportion (not exceeding twenty-five per cent.) as may be so specified of the rates which would have been payable for the said period in respect of the lands and heritages by an occupier thereof.

(2) Where the owner of any lands and heritages is aggrieved by the decision of a rating authority to levy any charge upon him in pursuance of the foregoing subsection he may, not later than six weeks from the date of the notice sent to him under that subsection by such authority, appeal to the sheriff against the said decision, and the sheriff shall have power to confirm, vary or annul the decision of the authority, and his decision shall be final.

(3) In any case where in pursuance of this section a charge is being levied on the owner of any lands and heritages and such owner is of opinion that such lands and heritages are no longer being allowed to remain unoccupied without reasonable cause he may apply to the sheriff to annul the decision of the rating authority in pursuance of which the charge is being levied as aforesaid and if the sheriff is satisfied that such lands and heritages are no longer being allowed to remain unoccupied without reasonable cause he shall annul such decision as from the end of the year then current and the decision of the sheriff on any application made in pursuance of this subsection shall be final.

(4) This section shall have effect notwithstanding anything in section two hundred and forty-three of the Act of 1947, and the provisions of section seven of the House Letting and Rating (Scotland) Act, 1911, relating to the right of the owner of a small dwelling-house to claim repayment of occupiers' assessments shall not apply as regards any dwelling-house in respect of any period for which any charge is levied upon the owner thereof in pursuance of subsection (1) of this section.

(5) A charge under this section shall be leviable and recoverable as if it were a rate and shall be treated as money paid as rates.

(6) This section shall not apply in the case of lands and heritages being—

(a) lands and heritages in relation to which a building preservation order under section twenty-seven of the Town

and Country Planning (Scotland) Act, 1947, is in force, or which are included in any list compiled or approved by the Secretary of State under section twenty-eight of that Act ; or

- (b) lands and heritages which are the subject of a preservation order under the Ancient Monuments Acts, 1913 to 1953, or which are included in any list published by the Minister of Works under the said Acts.

18.—(1) In respect of the year 1961-62 and of any subsequent year the domestic water rate leviable under the Water (Scotland) Act, 1949, by a local authority in respect of lands and heritages within their district shall be levied according to the net annual value of such lands and heritages, and the provisions of the said Act of 1949 shall be construed accordingly. Amendment of Water (Scotland) Act, 1949.

(2) For subsection (2) of section twenty of the Water (Scotland) Act, 1949, there shall, on and after the sixteenth day of May, nineteen hundred and sixty-one, be substituted the following subsection—

“(2) The amount of the annual value of any lands and heritages according to which the domestic water rate is leviable in accordance with the foregoing provisions of this Part of this Act shall, if it includes a fraction of a pound, be increased or reduced, as the case may be, to the nearest complete pound or, if the fraction is ten shillings, the fraction shall be disregarded.”

19. For section two hundred and twenty-nine of the Act of 1947 (which makes provision for the levying of rates in respect of lands and heritages entered in a supplementary valuation roll made up for a burgh) there shall be substituted the following section— Amendment of s. 229 of Act of 1947.

“Rates in respect of lands and heritages in supplementary valuation roll.

229.—(1) Where a rating authority have caused to be prepared a supplementary valuation roll for their area under section eleven of the Valuation and Rating (Scotland) Act, 1956, the authority shall subject to the following provisions of this section be entitled to levy rates for all purposes in respect of lands and heritages entered in the supplementary valuation roll in like manner as in respect of lands and heritages entered in the ordinary valuation roll and shall fix the dates—

- (a) for payment of the said rates ;
(b) for lodging appeals against the said rates ;
and
(c) for hearing the said appeals.

PART II
—cont.

(2) The provisions of the foregoing subsection shall apply subject to any necessary modifications in the case of a rating authority having power to prepare a supplementary valuation roll for their area under the provisions of any local Act.

(3) Where any lands and heritages have come into existence and occupancy within the area of a rating authority after the commencement of any year and are entered in a supplementary valuation roll made up for that year in pursuance of the said section eleven or of the provisions of any local Act, the rating authority shall be entitled to levy in that year in respect of such lands and heritages such part only of the amount which would apart from this subsection have been leviable by way of rates in respect of the lands and heritages as bears the same proportion to the said amount as the period falling between the date specified in the said roll as the date on which the lands and heritages came into occupancy and the end of the said year bears to one year, and the provisions of any local Act shall have effect accordingly."

Contributions in aid of rates by police authorities.

20.—(1) The police authority of any police area may incur expenses in the making of contributions in aid of rates in respect of lands and heritages, whether in the police area or elsewhere, which are occupied for the purposes of the police force for that area, being lands and heritages in respect of which no rates are paid.

(2) A contribution under this section shall be treated as money paid as rates.

Contributions in aid of rates by Commissioners of Northern Lighthouses.

21.—(1) The Commissioners of Northern Lighthouses may incur expenses in making contributions in aid of rates in respect of lands and heritages belonging to them, being lands and heritages in respect of which no rates are paid and which consist of dwelling-houses occupied by officers of the said Commissioners other than dwelling-houses which are situated within the landward area of a county and either form part of a lighthouse or are situated within the curtilage thereof.

(2) Any contribution under this section shall be paid out of the General Lighthouse Fund and shall be treated as money paid as rates.

Exemption of churches, etc., from rates.

22.—(1) In respect of the year 1956-57 and of any subsequent year, no rate shall be levied on—

(a) any church, chapel, meeting place or building exclusively appropriated to public religious worship ;

- (b) any church hall, chapel hall or similar building belonging to or held by a religious body, so long as the use of such hall or building is wholly or mainly for purposes connected with that body and no profit is derived by that body from its use for any other purpose.

(2) Where any such premises as are mentioned in the foregoing subsection form part of other lands and heritages and are not entered separately in the valuation roll, the gross annual value of those lands and heritages shall be apportioned between the said premises and the remainder of the lands and heritages, and the gross annual values of such premises and of such remainder shall be shown separately in the valuation roll.

(3) The provisions of the Valuation Acts (including, without prejudice to the foregoing generality, the provisions with respect to persons whose property is valued and with respect to appeals and complaints) shall apply with regard to any matter required by the last foregoing subsection to be shown in the valuation roll.

(4) For the purposes of this section—

- (a) the expression “rate” does not include a domestic water rate ;
- (b) a church, chapel, meeting place or building shall be deemed to be exclusively appropriated to public religious worship notwithstanding that it or any part of it is also used for the purpose of a Sunday school or for other purposes connected with the religious body to whom it belongs or by whom it is held or for any of the purposes of the Civil Defence Acts, 1937 to 1954.

23.—(1) A rating authority shall have power to reduce or remit any rate leviable in the year 1956-57 or in any subsequent year in respect of—

- (a) any lands and heritages 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, or are concerned exclusively with science, literature or the fine arts ; or
- (b) any lands and heritages held on trust for use as an almshouse ; or
- (c) any lands and heritages consisting of a playing field (that is to say, land used exclusively or mainly 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

Provisions as to rates payable by charitable and other organisations.

PART II
—cont.

for profit and does not (except on special occasions) make any charge for the admission of spectators to the playing field:

Provided that this subsection shall not apply to any lands and heritages to which paragraph (a) or (b) of subsection (1) of the last foregoing section applies or to lands and heritages occupied by a local authority or by any body to whom section two hundred and seventy of the Act of 1947 applies.

(2) The Scientific Societies Act, 1843, shall cease to have effect except in relation to lands and heritages in respect of which, at the passing of this Act and by virtue of section one of the said Act of 1843, the person occupying was not liable to be assessed or rated, and which continue to be occupied by that person.

(3) In this section the expression “rate” does not include a domestic water rate.

PART III**VALUATION AND RATING OF GAS BOARDS****Valuation and
rating of
Gas Boards.**

24.—(1) For the purposes of the levying of rates in respect of the year 1961-62 and of any subsequent year, any Gas Board which supplied any gas to consumers in a separately rated area during the twelve months ending with the thirty-first day of March falling within the immediately preceding year, or who manufactured any gas in a separately rated area during the twelve months ending with the said thirty-first day of March, shall be treated as occupying in that area during the year 1961-62 or such subsequent year lands and heritages of a rateable value calculated in accordance with the provisions of Part I of the Fourth Schedule to this Act.

(2) The liability of a Gas Board to be rated in respect of any year in respect of such lands and heritages as are mentioned in the foregoing subsection shall be in substitution for any liability of the Gas Board to be rated in respect of any lands and heritages actually occupied by them during that year, other than any excepted premises so occupied; and accordingly no lands and heritages occupied by a Gas Board, other than excepted premises, shall be liable to be rated in respect of the year 1961-62 or any subsequent year, except as provided in this Part of this Act.

(3) The provisions of Part II of the Fourth Schedule to this Act shall have effect for the purposes of the foregoing provisions of this section.

(4) In this and the next following section—

“excepted premises” means dwelling-houses, or lands and heritages held by a Gas Board under a lease for a

period not exceeding twenty-one years or let by a Gas Board, or lands and heritages which are not used or adapted for use for the purposes of the functions of a Gas Board ; and

PART III
—cont.

“separately rated area ” means a burgh, the landward area of a county, or any part of a burgh or landward area in which a different rate or rates is or are levied from those levied in other parts of the burgh or landward area.

25.—(1) For the purposes of the levying of rates in respect of the year 1957-58 and of each of the three following years, each Gas Board shall be treated as occupying during each of the said years in each separately rated area lands and heritages of a rateable value calculated in accordance with the provisions of Part I of the Fifth Schedule to this Act. Transitory provisions relating to valuation and rating of Gas Boards.

(2) The liability of a Gas Board to be rated in respect of the year 1957-58 and of each of the three following years in respect of such lands and heritages as are mentioned in the foregoing subsection shall be in substitution for any liability of the Gas Board to be rated in respect of any lands and heritages actually occupied by them during each of the said years, other than excepted premises so occupied ; and accordingly no lands and heritages occupied by a Gas Board, other than excepted premises, shall be liable to be rated in respect of the year 1957-58 or any of the three following years, except as provided in this Part of this Act.

(3) The provisions of Part II of the Fifth Schedule to this Act shall have effect for the purposes of the foregoing provisions of this section.

PART IV

EXCHEQUER GRANTS

26.—(1) Subject to the provisions of subsection (2) of this section, the aggregate amount of the Exchequer Grants payable to local authorities under the Act of 1954 in respect of the year 1956-57 and of any subsequent year shall not be an amount ascertained in accordance with paragraph (b) of subsection (1) of section one of that Act, but shall be an amount ascertained in accordance with the Sixth Schedule to this Act. Exchequer Grants.

(2) If in the year 1956-57 or in any subsequent year—

(a) Exchequer Equalisation Grants are payable to local authorities in England and Wales under Part I of the Act of 1948 as originally enacted and there is available to the Minister of Housing and Local Government the power conferred on him by subsection (3) of section

PART IV
—cont.

three of the said Act as originally enacted to direct increases in the rateable value for England and Wales for the purpose specified in subsection (4) of that section; and

- (b) the aggregate amount of the Exchequer Grants which, apart from the provisions of the foregoing subsection, would have been payable in that year to local authorities in Scotland under the Act of 1954 is greater than the amount which is payable to them under that subsection,

the aggregate amount of the Exchequer Grants payable to local authorities in Scotland under the Act of 1954 in that year shall not be ascertained in accordance with the Sixth Schedule to this Act, but shall be ascertained in accordance with paragraph (b) of subsection (1) of section one of the Act of 1954.

Meaning of
“adjusted rate-
able value.”

27.—(1) For the purpose of calculating Exchequer Equalisation Grants under the Act of 1954 in respect of the year first commencing after the passing of this Act and of each of the following years before the year 1961-62, subsection (1) of section four of that Act (which subsection defines the expression “adjusted rateable value”) shall have effect as if for the words “preceding that year” there were substituted the words “in which the Valuation and Rating (Scotland) Act, 1956, passed”.

(2) For the purpose of calculating such Grants in respect of the year 1961-62 and of any subsequent year,—

- (a) subsection (1) of section three of the Act of 1954 shall have effect as if the word “adjusted” were omitted;
- (b) subsection (1) of section four of the said Act shall cease to have effect;
- (c) subsection (1) of section five of the said Act shall have effect as if the word “adjusted” were omitted; and
- (d) subsection (2) of the said section five shall have effect as if the words from “and in this section” to the end of the subsection were omitted.

Amendment of
s. 11 (1) of Act
of 1954.

28. On and after the sixteenth day of May, nineteen hundred and fifty-six, subsection (1) of section eleven of the Act of 1954 (which section contains provisions relating to the method of allocating the expenditure of any combination of local authorities) shall have effect as if for the words from “any reference” to the end of the subsection there were substituted the following words:—

“any reference in that provision to the rateable valuation of an area, or part of an area, of an authority shall be construed—

- (a) where the area is a county the council of which are charged under any enactment with providing the

service to which the combination relates in one or more burghs, as a reference to an amount calculated by taking the rateable valuation of the landward area of the county, or that part thereof as aforesaid, or its standard rateable value, whichever is the higher, and adding thereto the rateable valuation or the standard rateable value, whichever is the higher, of each burgh situated in the county or such part thereof, being a burgh within which the county council are charged with providing the said service ;

(b) in any other case as a reference to the rateable valuation of that area, or that part of that area, or to its standard rateable value, whichever is the higher ”.

PART IV
—cont.

29. Section fourteen of the Act of 1954 in so far as it relates to the expiry of the said Act is hereby repealed, and the said Act and this Part of this Act (which shall be construed as one with the Act of 1954) and Part II of the Act of 1948 shall continue in force until the expiry of the sixth year after the passing of this Act and shall then expire.

Duration of
Part IV.

PART V

MISCELLANEOUS AND CONSEQUENTIAL PROVISIONS

30.—(1) Where in pursuance of any enactment, statutory order or agreement any sum is required to be calculated according to the gross annual valuation of any area or is required to be apportioned and allocated among local authorities or other bodies according to the gross annual valuation of any two or more areas, such calculation or such apportionment and allocation, as the case may be, shall, on and after the sixteenth day of May, nineteen hundred and sixty-one, be made according to the net annual valuation of the area or areas in question.

Calculation or
apportionment
of sums to be
according to
net annual
valuation.

(2) Subsection (2) of section two hundred and eighteen of the Act of 1947 (which subsection contains provisions relating to the apportionment of expenditure among local authorities) shall on and after the date mentioned in the foregoing subsection have effect as if for the words “gross annual valuations” appearing therein there were substituted the words “net annual valuations”.

31.—(1) The Secretary of State may by order make such adaptations and adjustments as seem to him necessary in consequence of the passing of this Act or otherwise in any enactment in force at the passing of this Act whereby the expenditure of a local authority is limited by reference to the gross annual or the rateable valuation of any area or which contains a reference to a rate of a specified sum in the pound for any area.

Adaptation
of Acts
limiting
expenditure
by reference
to gross annual
or rateable
valuation, etc.

X*

PART V
—cont.

(2) The power to make orders conferred on the Secretary of State 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.

Amendment
of s. 47 (4) of
Local
Government
(Scotland)
Act, 1929.

32. On and after the sixteenth day of May, nineteen hundred and fifty-seven, subsection (4) of section forty-seven of the Local Government (Scotland) Act, 1929 (which confers upon certain occupiers of industrial lands and heritages the right to recover in each year from the owner of such lands and heritages a sum equal to three times the owner's share of the rates payable in respect of such lands and heritages for that year) shall have effect as if for the words "said fifteenth day of May" there were substituted the words "fifteenth day of May, nineteen hundred and fifty-seven".

Amendment of
ss. 239 to 241
of Act of 1947.

33. The deduction allowed to an owner of lands and heritages in pursuance of sections two hundred and thirty-nine, two hundred and forty and two hundred and forty-one of the Act of 1947 (which sections provide for the recovery from the owner of certain lands and heritages of the occupiers' rates payable in respect thereof) shall after the commencement of the year first commencing after the passing of this Act be two and one-half per centum or such larger sum not exceeding five per centum as the rating authority and the owner may in any case agree or as may, in default of such agreement, be fixed by the sheriff on application by the rating authority or the owner.

Amendment of
s. 248 of Act
of 1947.

34. Section two hundred and forty-eight of the Act of 1947, (which provides that a claim against any person in respect of rates due by him shall have priority over other claims against such person) shall have effect as if the following proviso were inserted at the end of subsection (2), namely:—

"Provided that nothing in this section shall authorise the recovery from the person who has taken the goods and effects of any sum exceeding the amount recovered by that person under deduction of the expenses of and incidental to the taking of such goods and effects and their preservation and sale."

Amendment of
s. 5 of
Representation
of the People
Act, 1949.

35.—(1) On and after the sixteenth day of May first occurring after the passing of this Act, section five of the Representation of the People Act, 1949, shall, in so far as it qualifies for the local government franchise an owner of lands and heritages who does not occupy the same, cease to have effect, and accordingly paragraph (b) of subsection (1) of the said section shall on and after the said date have effect as if for the words "the owner or occupier as tenant of" there were substituted the words "occupying as owner or tenant".

(2) On and after the sixteenth day of May, nineteen hundred and sixty-one, subsection (7) of the said section five shall have effect as if for paragraph (d) thereof there were substituted the following paragraph:—

PART V
—cont.

“(d) the expression “yearly value” in relation to any lands and heritages shall mean—

(i) where the lands and heritages are separately entered in the valuation roll, the gross annual value appearing in the said roll in respect thereof or, in the case of lands and heritages for which the assessor is not required to ascertain a gross annual value, the net annual value appearing in respect thereof;

(ii) where the lands and heritages are not separately entered in the valuation roll, the gross annual value, or, in the case of lands and heritages for which the assessor is not required to ascertain a gross annual value, the net annual value, which would in the opinion of the registration officer appear in respect of such lands and heritages if they were separately entered in the said roll.”

36. On and after the sixteenth day of May first occurring after the passing of this Act the Seventh Schedule to the Housing (Scotland) Act, 1950 (which Schedule contains provisions for the purpose of determining the amount of the contributions which the Secretary of State is required or authorised under certain enactments to make to a local authority), shall have effect as if for sub-paragraph (2) of paragraph 5 thereof there were substituted the following sub-paragraph:—

Amendment
of Seventh
Schedule to
Housing
(Scotland)
Act, 1950.

“(2) The estimated expenditure for the financial year shall be the sum of the amounts ascertained under heads (c), (d) and (e) of the foregoing sub-paragraph and an amount equal to the owner’s rates for the financial year in which the Valuation and Rating (Scotland) Act, 1956, passed”.

37. On and after the sixteenth day of May, nineteen hundred and sixty-one, section one of the House Letting and Rating (Scotland) Act, 1911 (which inter alia defines the expression “small dwelling-house” for the purposes of that Act) shall have effect as if for the reference to yearly rent or value there were substituted a reference to gross annual value.

Amendment
of s. 1. of
House Letting
and Rating
(Scotland)
Act, 1911.

38. On and after the sixteenth day of May, nineteen hundred and sixty-one, subsection (9) of section one of the Land Drainage (Scotland) Act, 1941, shall have effect as if for the words from “in proportion to the gross annual value” to the end of the subsection there were substituted the words “in such proportions as, failing agreement, may be determined by the Secretary of State”.

Amendment
of s. 1 (9) of
Land Drainage
(Scotland)
Act, 1941.

PART V
—cont.Amendment
of s. 30 (2) of
Agriculture
(Scotland)
Act, 1948.

39. On and after the sixteenth day of May, nineteen hundred and sixty-one, subsection (2) of section thirty of the Agriculture (Scotland) Act, 1948, shall have effect as if for the second paragraph thereof there were substituted the following paragraph:—

“ For the purposes of this subsection the annual value of land shall be taken to be the annual value thereof as determined for the purposes of income tax under Schedule A set out in section eighty-two of the Income Tax Act, 1952, at the time when the notice under the foregoing subsection was given or, if the land is not a unit for which the annual value was then determined for those purposes, such proportion of the annual value as so determined of the lands and heritages of which it forms part as the Land Court may determine to be appropriate.”

Adaptation of
Local Acts.

40.—(1) Without prejudice to any other provisions of this Act, if the Secretary of State, on the application of any local authority or any person concerned, is satisfied that the provisions of any local Act passed before the coming into operation of this Act should be adapted in consequence of the provisions of this Act, the Secretary of State may by order make such adaptations in the provisions of such local Act as seem to him to be necessary in the circumstances.

(2) The power to make orders conferred on the Secretary of State by this section shall be exercisable by statutory instrument, and any order made under this section shall be subject to special parliamentary procedure.

Financial
Provisions.

41. There shall be paid out of moneys provided by Parliament—

- (a) any increase attributable to the passing of this Act in the sums payable out of moneys so provided under the Act of 1954 ; and
- (b) any increase attributable to the passing of this Act in the sums payable out of moneys so provided under section ten of the Police (Scotland) Act, 1946 ; and
- (c) all expenses incurred by the Secretary of State under this Act.

Provisions as
to orders.

42.—(1) Any power to make an order conferred on the Secretary of State by this Act, other than the power conferred on him by paragraph 2 or paragraph 7 of the Fourth Schedule to this Act, shall include a power exercisable in the like manner to make an order varying or revoking any order so made.

(2) An order made by the Secretary of State under this Act may contain such incidental, consequential and supplemental provisions as appear to the Secretary of State to be necessary or proper for bringing the order into operation and giving full effect thereto.

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

PART V
—cont.
Interpretation.

- “ the Act of 1947 ” means the Local Government (Scotland) Act, 1947 ;
- “ the Act of 1948 ” means the Local Government Act, 1948 ;
- “ the Act of 1954 ” means the Local Government (Financial Provisions) (Scotland) Act, 1954 ;
- “ the Advisory Council ” has the meaning assigned to it by section three of this Act ;
- “ burgh ” has the like meaning as in the Act of 1947 ;
- “ drain ” means a drain used for the drainage of one building or of any buildings or yards pertaining to buildings within the same curtilage ;
- “ Gas Board ” means an Area Board within the meaning of the Gas Act, 1948, for any area in Scotland ;
- “ gross annual valuation ”, in relation to any area, means the total of the gross annual values of the lands and heritages in that area ;
- “ large burgh ” has the like meaning as in the Act of 1947 ;
- “ local authority ” has the like meaning as in the Act of 1947 ;
- “ net annual valuation ”, in relation to any area, means the total of the net annual values of the lands and heritages in that area ;
- “ officer ” includes servant ;
- “ rate ” means any rate, charge and assessment the proceeds of which are applicable to public local purposes and which is leviable in respect of lands and heritages, but does not include—
 - (a) the fishery assessment levied under the Salmon Fisheries (Scotland) Act, 1862, and the Acts amending that Act or under any corresponding provision of a local Act ; or
 - (b) any rate payable under section one of the Land Drainage (Scotland) Act, 1941 ;
- “ rateable valuation ”, in relation to any area, means the total of the rateable values of the lands and heritages in that area ;
- “ rating authority ” has the like meaning as in Part XI of the Act of 1947 ;
- “ sewer ” does not include a drain as defined in this section but, save as aforesaid, includes all sewers and drains used for the drainage of buildings and yards pertaining to buildings ;
- “ the Valuation Acts ” means the Lands Valuation (Scotland) Act, 1854, and the Acts amending that Act, and includes this Act ;

PART V
—*cont.*

- “ Valuation Appeal Committee ” has the meaning assigned to it by section five of this Act ;
- “ valuation area ” has the meaning assigned to it by section one of this Act ;
- “ valuation authority ” has the meaning assigned to it by section one of this Act ;
- “ year ” means a period of twelve months beginning with the sixteenth day of May, and “ the year 1956-57 ” means the year beginning with the sixteenth day of May, nineteen hundred and fifty-six, and any corresponding expression in which two years are similarly mentioned means the year beginning with the sixteenth day of May in the first mentioned of those two years.

(2) For the purpose of the application of this Act (except section sixteen and Part IV thereof and the Third Schedule thereto) to any valuation area for which the valuation roll comes into force on a day other than the sixteenth day of May, any reference in this Act to the last-mentioned day shall be construed as a reference to that other day ; and for the purpose of the application of the said section sixteen and the said Third Schedule to the area of any local authority whose financial year commences on a day other than the sixteenth day of May, any reference in this Act to the last-mentioned day shall be construed as a reference to that other day.

(3) Any reference in this Act to any enactment shall be construed as a reference to that enactment as amended or extended by any other enactment including this Act.

Repeals.

44. The enactments specified in the Seventh Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule, and—

- (a) the repeal of the enactments specified in Part I of the said Schedule shall be deemed to have taken effect on the sixteenth day of May, nineteen hundred and fifty-six ;
- (b) the repeal of the enactments specified in Part II of the said Schedule shall take effect on the passing of this Act ;
- (c) the repeal of the enactments specified in Part III of the said Schedule shall take effect on the sixteenth day of May, nineteen hundred and fifty-seven ; and
- (d) the repeal of the enactments specified in Part IV of the said Schedule shall take effect on the sixteenth day of May, nineteen hundred and sixty-one.

Short title and extent.

45.—(1) This Act may be cited as the Valuation and Rating (Scotland) Act, 1956.

(2) This Act shall extend to Scotland only.

SCHEDULES

FIRST SCHEDULE

Section 6.

DEDUCTIONS FROM GROSS ANNUAL VALUE

(1) Gross annual value	(2) Deduction
Not exceeding £15	40 per cent. of the gross annual value.
Exceeding £15 but not exceeding £20.	£6 together with 30 per cent. of the amount by which the gross annual value exceeds £15.
Exceeding £20 but not exceeding £40.	£8, or 25 per cent. of the gross annual value, whichever is the greater.
Exceeding £40 but not exceeding £100.	£10, or 20 per cent. of the gross annual value, whichever is the greater.
Exceeding £100	£20 together with 16½ per cent. of the amount by which the gross annual value exceeds £100.

SECOND SCHEDULE

Section 13.

VALUATION TIMETABLE

I.—*Ordinary Valuation Roll*

Issue of notices by assessor—

begins	January 1
ends	May 31
Valuation roll to be made up on or before and valuations to be made as at... ..	May 16
Last date for lodging appeals and complaints	July 31
Last date for roll to be altered at assessor's own hand; roll to be sent to clerk to valuation authority	July 31
Last date for assessor to send note of outstanding appeals to secretary to Valuation Appeal Committee	August 7
First date for sittings of Valuation Appeal Committee	Not earlier than June 15 nor later than August 15
Last date for disposal of appeals and complaints	October 31

2ND SCH.
—cont.

II.—*Supplementary Valuation Roll*

Valuation roll to be made up on or before	...	March 1
Issue of notices by assessor ends	... ..	March 15
Last day for lodging appeals and complaints	...	April 1
First date for sittings of Valuation Appeal Committee		April 8
Final date for disposal of appeals and complaints	...	April 30

Section 16.

THIRD SCHEDULE

REDUCTION OF RENTS

1. Where immediately before the commencement of the year first commencing after the passing of this Act (hereinafter referred to as “the relevant year”) any lands and heritages are let under a lease other than such a lease as is mentioned in the next following paragraph, then subject to the following provisions of this Schedule the rent payable to the landlord by the tenant in respect of that year and of any subsequent year shall be reduced—

- (a) where the rent is payable in respect of the period of a year, by an amount equal to the owner’s share of the rates payable in respect of the lands and heritages for the year in which this Act passed ;
- (b) where the rent is payable in respect of any lesser period, by an amount which bears the same proportion to the owner’s share of the rates so payable as the period in respect of which the rent is payable bears to the period of a year :

Provided that the foregoing provisions of this paragraph shall not apply in relation to any such lease unless immediately before the commencement of the relevant year the occupiers’ rates in respect of the lands and heritages let under the lease are payable by the tenant or by a sub-tenant.

2. Where immediately before the commencement of the relevant year any lands and heritages are let under a lease for a period of more than twenty-one years or, in the case of minerals, thirty-one years, then subject to the following provisions of this Schedule the rent payable under the lease in respect of that year and of any subsequent year shall be reduced by an amount which bears the same proportion to the owner’s share of the rates payable in respect of the lands and heritages for the year in which this Act passed as the rent payable under the lease bears to the gross annual value of the lands and heritages for the last-mentioned year :

Provided that the foregoing provisions of this paragraph shall not apply in relation to any such lease where by virtue of the terms thereof there is not available to the lessee thereunder the right of relief against the landlord conferred by section six of the Lands Valuation (Scotland) Act, 1854.

3.—(1) Where immediately before the commencement of the relevant year any lands and heritages are let under a lease in terms of which the rent payable falls, or may fall, to be varied on a date occurring after the commencement of the said year, being a lease in relation to which either of the foregoing paragraphs applies, the rent

payable in respect of any period after that date shall be a sum equal to the rent which would, apart from this Act, have been then payable reduced by an amount equal to the relevant fraction of such last-mentioned rent.

3RD SCH.
—cont.

(2) In this Schedule the expression “relevant fraction” means—

- (a) as applied to any amount related to lands and heritages to which subsection (1) of section twelve of the Rating (Scotland) Act, 1926, or section forty-five of the Local Government (Scotland) Act, 1929, applies, a fraction of which the numerator is the owner's share of the rates payable in respect of such lands and heritages for the year in which this Act passed and the denominator is the gross annual value of those lands and heritages for that year; and
- (b) as applied to any amount related to any other lands and heritages, a fraction of which the numerator is the number of pence per pound of rateable value payable by way of owner's rates in respect of such lands and heritages for the year in which this Act passed and the denominator is two hundred and forty.

4. Where immediately before the commencement of the relevant year any lands and heritages are let under a lease in terms of which the tenant is under an obligation to pay to the landlord an amount in respect of owners' rates, being a lease in relation to which paragraph 1 of this Schedule applies, then—

- (a) on and after the commencement of the said year the tenant shall be relieved of such obligation; and
- (b) the rent to be reduced in accordance with the foregoing provisions of this Schedule in any year shall be ascertained by taking the rent payable to the landlord by the tenant in respect of that year and adding thereto the amount payable to the landlord by the tenant in respect of owner's rates for the year in which this Act passed.

5.—(1) Where by virtue of any condition contained in a lease to which paragraph 1 or paragraph 2 of this Schedule applies the rent payable to the landlord by the tenant would, apart from this paragraph, fall to be reduced in consequence of the passing of this Act such condition shall not have effect.

(2) Where the rent payable under any lease to which paragraph 1 or paragraph 2 of this Schedule applies is varied by agreement between the parties made after the commencement of the relevant year or by virtue of arbitration or a decision of any court after such commencement the foregoing provisions of this Schedule (apart from sub-paragraph (2) of paragraph 3 thereof) shall cease to apply in relation to such lease.

6. Any reference in any Act, order or other document to the net rent or the standard rent of a dwelling-house to which the Rent and Mortgage Interest Restrictions Acts, 1920 to 1939, apply shall, in respect of any period after the commencement of the relevant year, be construed—

- (a) in the case of the net rent, as a reference to such rent reduced by an amount equal to the relevant fraction of that rent; and

3RD SCH.
—cont.

- (b) in the case of the standard rent, as a reference to such rent reduced by an amount equal to the relevant fraction of the net rent of that dwelling-house :

Provided that the foregoing provisions of this paragraph shall not apply in relation to the net rent or the standard rent of any dwelling-house of which—

- (i) the standard rent is the rent at which it was let on a lease entered into after the commencement of the relevant year or is an amount ascertainable by apportionment of the rent at which a property of which it formed part was let on such a lease as aforesaid (whether such an apportionment has been made or not) ;
- (ii) the standard rent has been determined by the court under section six of the Rent and Mortgage Interest Restrictions (Amendment) Act, 1933, after such commencement ;
- (iii) the standard rent is the rent determined under section one of the Landlord and Tenant (Rent Control) Act, 1949, by the Tribunal after such commencement ;
- (iv) the standard rent is the amount deemed to be the standard rent by virtue of proviso (ii) to section one hundred and twenty-five of the Housing (Scotland) Act, 1950, and the tenancy referred to in that proviso begins after such commencement ;
- (v) the standard rent is—

(a) under paragraph (a) of subsection (4) of section sixteen of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951, or under paragraph (a) of subsection (5) of the said section, or under paragraph (a) of subsection (2) of section seventeen of the said Act, the rent payable in respect of a tenancy qualifying for protection beginning after such commencement or an amount to be ascertained by apportionment of the rent at which a property of which it formed part was let on such a tenancy as aforesaid ; or

(b) the amount specified in a notice under paragraph (b) of subsection (5) of section sixteen of the said Act, being a notice served after such commencement ; or

(c) the rent determined under paragraph (c) of subsection (5) of the said section sixteen by the Tribunal after such commencement,

and for the purposes of this sub-paragraph the references to the provisions of section sixteen of the said Act of 1951 shall include references to those provisions as applied by paragraph (b) of subsection (2) of section seventeen of the said Act or paragraph (b) of subsection (2) of section eighteen of that Act ;

- (vi) the standard rent is a rent determined under section twenty-six of the Housing (Repairs and Rents) (Scotland) Act, 1954, by the local authority after such commencement.

7.—(1) Any reference in any Act, order or other document to the permitted increase in rent under paragraph (a) or paragraph (c) or

3RD SCH.
—cont.

paragraph (d) of subsection (1) of section two of the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, shall, in relation to such an increase due and recoverable in respect of a dwelling-house immediately before the commencement of the relevant year, be construed in respect of any period after the commencement of that year as a reference to the said increase reduced by an amount equal to the relevant fraction of such increase.

(2) Any reference in any Act, order or other document to the permitted increase in rent under paragraph (b) of subsection (1) of section two of the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, shall, so far as such an increase is in respect of an increase in the amount of the rates payable by the landlord in respect of a dwelling-house other than rates for which he is responsible under the House Letting and Rating (Scotland) Acts, 1911 and 1920, be construed in respect of any period after the commencement of the relevant year as a reference to the said increase reduced by an amount equal to the relevant fraction of such increase.

8.—(1) The reference in subsection (7) of section twelve of the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, to the rateable value of any dwelling-house shall, in respect of any period after the commencement of the relevant year, be construed as a reference to the rateable value of that dwelling-house as defined in paragraph (e) of subsection (1) of the said section twelve reduced by an amount equal to the relevant fraction of such rateable value as so defined.

(2) Any alteration in the rent or the rateable value of any dwelling-house effected by this Act shall, in any question as to the application of subsection (7) of section twelve of the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, in relation to a lease subsisting at the commencement of the relevant year, be disregarded.

9. Where at the commencement of the relevant year the amount of the rent or, as the case may be, the maximum amount of the rent is fixed, determined or approved in respect of any dwelling-house by or in pursuance of any of the enactments specified in the next succeeding paragraph, the amount of such rent or, as the case may be, such maximum amount of the rent shall be reduced by an amount equal to the relevant fraction of such rent or maximum rent.

10. The enactments referred to in the last foregoing paragraph are—

- (a) paragraph (b) of subsection (1) of section three of the Housing (Rural Workers) Act, 1926 ;
- (b) section eighty of the Housing (Scotland) Act, 1950 ;
- (c) subsection (3) of section one hundred and one of the Housing (Scotland) Act, 1950 ;
- (d) subsection (3) of section one hundred and one of the Housing (Scotland) Act, 1950, as applied by subsection (8) of section three of the Housing (Scotland) Act, 1952 ;
- (e) section one hundred and thirteen of the Housing (Scotland) Act, 1950 ;
- (f) paragraph (c) (ii) of subsection (1) of section one hundred and fourteen of the Housing (Scotland) Act, 1950 ;

3RD SCH.
—*cont.*

- (g) section one hundred and twenty-one of the Housing (Scotland) Act, 1950 ;
- (h) section six of Housing (Repairs and Rents) (Scotland) Act, 1954.

11. Where the maximum rent of any dwelling-house which immediately before the commencement of the relevant year is subject to the conditions specified in subsection (1) of section one hundred and fourteen of the Housing (Scotland) Act, 1950, has been reduced under paragraph 9 of this Schedule, the local authority for the purposes of that Act shall send by registered post to the owner of the said dwelling-house notice in the prescribed form setting forth the effect of this Schedule on such maximum rent.

12. Where at any time after the commencement of the relevant year a dwelling-house becomes subject to the condition as to maximum rent specified in paragraph (c) of subsection (1) of section one hundred and fourteen of the Housing (Scotland) Act, 1950, and the maximum rent of such dwelling-house falls to be determined under that paragraph by reference to the rent which was payable under a lease which had terminated before the commencement of the said year, such maximum rent shall not be determined by reference to the rent payable under that lease but shall be determined by reference to that rent reduced by an amount equal to the relevant fraction of that rent.

13. It shall be the duty of any landlord who by virtue of section sixteen of this Act ceases to be liable in payment of any rate to give, not later than the commencement of the relevant year, to the occupier who becomes liable in payment of such rate, notice in the prescribed form setting forth the total amount of such rate in the year in which this Act passed, or the proportion thereof attributable to the lands and heritages occupied by the occupier, as the case may be, and such other information as appears to the Secretary of State expedient for informing the occupier of the effect of this Schedule.

14. Any dispute as to the amount of the owner's share of the rates payable in respect of any lands and heritages shall, failing agreement between the parties, be determined by the rating authority, whose decision shall be final.

15. For the purposes of this Schedule—

- (a) the expression "lease" means a letting for a term of years or for lives or for lives and years or from year to year or for a part of a year, and includes a sub-lease ; and "landlord," "tenant" and "lessee" shall be construed accordingly ;
- (b) a lease shall be deemed to have been entered into on the date of the term of entry thereunder ;
- (c) a tenant shall include a tenant as defined in paragraph (g) of subsection (1) of section twelve of the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, and a tenant or lessee occupying under tacit relocation following on a lease or by virtue of the Rent and Mortgage Interest Restrictions Acts, 1920 to 1939, after the termination of a lease shall be deemed to be occupying under that lease ;

- (d) a landholder or a statutory small tenant within the meaning of the Small Landholders (Scotland) Acts, 1886 to 1931, who is occupying a holding immediately before the commencement of the relevant year, and a crofter within the meaning of the Crofters (Scotland) Act, 1955, who is occupying a croft immediately before such commencement, and the statutory successor of any such landholder, statutory small tenant or crofter, shall be deemed to be occupying the holding or croft, as the case may be, under a lease for a period of not more than twenty-one years.
- (e) "prescribed" means prescribed by regulations made by statutory instrument by the Secretary of State.

3RD SCH.
—cont.

FOURTH SCHEDULE

Section 24.

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 in respect of the year 1961-62 (hereinafter referred to as "the basic year") and of any subsequent year, the rateable value of the lands and heritages which a Gas Board are to be treated as occupying as mentioned in subsection (1) of section twenty-four of this Act.

2.—(1) The Assessor of Public Undertakings (Scotland) (hereinafter referred to as "the Assessor") shall, not later than the thirtieth day of April, nineteen hundred and sixty-one, determine for each Gas Board the amount which for the purposes of this Schedule, and subject to the provisions of paragraph 7 thereof, is to be the basic rateable valuation of that Board, and such amount shall be the rateable valuation of the Board's undertaking for the basic year.

(2) For the purpose of determining that amount the Assessor shall value all the lands and heritages, other than excepted premises, occupied by the Gas Board in accordance with the principles applied by the Assessor before the passing of this Act in valuing lands and heritages belonging to the Scottish Gas Board subject, however, to such modifications in those principles as the Secretary of State may by order prescribe after consultation with the Gas Boards, the Advisory Council and such associations of local authorities as appear to him to be concerned.

(3) The power to make an order conferred on the Secretary of State by this paragraph shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

3. Each Gas Board shall estimate and certify the total number of therms supplied by them to consumers in their area during the twelve months ending with the thirty-first day of March, nineteen hundred and sixty-one, and such total number shall for the purposes of this Schedule and subject to the provisions of paragraph 8 thereof, be the standard number of therms of that Board.

4TH SCH.
—*cont.*

4.—(1) For each year subsequent to the basic year each Gas Board's basic rateable valuation shall be adjusted in accordance with the following provisions of this paragraph, and such basic rateable valuation as so adjusted shall be the rateable valuation of that Board's undertaking for that year.

(2) For each such year each Gas Board shall—

- (a) estimate and certify the total number of therms supplied by the Board to consumers in their area during the twelve months ending with the thirty-first day of March falling within the immediately preceding year, 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 rateable valuation 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.

5.—(1) Each Gas Board's rateable valuation for any year shall be apportioned in respect of that year among all separately rated areas in which any therms were supplied by the Board to consumers, or manufactured by the Board, during the twelve months ending with the thirty-first day of March falling within the immediately preceding year, and the proportion of the rateable valuation to be allocated to any one of those areas shall be ascertained by multiplying the rateable valuation by the fraction of which—

- (a) the numerator is the number of therms supplied by the Board to consumers in that area during the said twelve months, as estimated and certified by the Board, plus nine-tenths of the number of therms (if any) manufactured in that area by the Board during the said twelve months, 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 during the said twelve months, as estimated and certified by the Board, plus nine-tenths of the total number of therms manufactured by the Board during the said twelve months, as so estimated and certified.

(2) For the purpose of the apportionment in respect of any year of a Gas Board's rateable valuation for that year among separately rated areas, all such areas which are in existence at the commencement of the said year shall be deemed to have existed during the twelve months ending with the thirty-first day of March falling within the immediately preceding year and to have had the same boundaries during the said twelve months as they have at the commencement of the first-mentioned year.

6. The amount which, in accordance with the last foregoing paragraph, is allocated for any year to a separately rated area, in the case of a Gas Board, shall be the rateable value and the net annual value of the lands and heritages which that Board is to be treated as occupying in that area for that year.

7.—(1) In respect of the year 1966-67 and of every fifth year thereafter the Secretary of State shall consider, not later than the thirty-first day of December falling within the immediately preceding year, in consultation with the Gas Boards, the Advisory Council and such associations of local authorities as appear to him to be concerned, whether a new basic rateable valuation ought to be determined for each Gas Board, and in considering this question the Secretary of State shall have regard to—

- (a) any changes which may have taken place in the general level of valuations during the five years immediately preceding the year in question, which changes shall be certified to the Secretary of State by the Advisory Council on a request being made to them in that behalf by the Secretary of State, and
- (b) any other circumstances which appear to the Secretary of State to be relevant.

(2) If the Secretary of State decides that a new basic rateable valuation ought to be determined for each Gas Board as aforesaid, he shall request the Assessor to determine the amount of each new basic rateable valuation, and the Assessor shall as soon as practicable determine such amount and for that purpose shall value all the lands and heritages, other than excepted premises, occupied by each Gas Board in accordance with the principles applied by the Assessor before the passing of this Act in valuing lands and heritages belonging to the Scottish Gas Board subject, however, to such modifications in those principles as the Secretary of State may by order prescribe after consultation with the Gas Boards, the Advisory Council and such associations of local authorities as appear to him to be concerned.

(3) The new basic rateable valuation so determined for each Gas Board shall be the rateable valuation of that Board's undertaking in respect of the year for which it is so determined and, subject to the provisions of this paragraph, shall for the purposes of this Schedule be the Board's basic rateable valuation for that year and any subsequent year.

(4) The power to make orders conferred on the Secretary of State by this paragraph shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

8. If in respect of any year a new basic rateable valuation is determined under the last foregoing paragraph for each Gas Board, then each Gas Board shall estimate and certify the total number of therms supplied by them to consumers in their area during the twelve months ending with the thirty-first day of March falling within the immediately preceding year, and such total number shall for the purposes of this Schedule, and subject to the foregoing provisions of this paragraph, be the standard number of therms of that Board.

PART II

Supplementary Provisions

9. It shall be the duty of each Gas Board, before the first day of August in any year, to transmit to the Assessor a statement setting out particulars of all the matters estimated, calculated and certified for the purpose of computing any adjustment in the basic rateable

4TH SCH.
—cont.

valuation of that Board which falls to be made in that year under paragraph 4 of this Schedule and of apportioning the Board's rateable valuation for that year among separately rated areas.

10. On receipt of a statement under the last foregoing paragraph, the Assessor shall (if necessary) adjust the Gas Board's basic rateable valuation, calculate the rateable value of the lands and heritages which that Board are to be treated as occupying during the year in question in each separately rated area, and shall enter such rateable values in the valuation roll to be made up by him and notify the amount thereof to the rating authority concerned and to the Board before the eighth day of September in that year.

11.—(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 separately rated area and partly in one or more other separately rated areas.

(2) For the purposes of subsection (1) of section twenty-four of this Act, the Gas Board shall be treated as manufacturing gas in each of the areas in which a part of the gasworks is situated, notwithstanding that no gas is actually manufactured in one or more of those areas.

(3) For the purposes of paragraph 5 of this Schedule, the gas manufactured in the gasworks in any year shall be treated as apportioned between all the separately rated 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 rateable valuation for any year has not been agreed between the rating authorities and the Board before the first day of April falling within the immediately preceding year, the apportionment required by this sub-paragraph shall be made by the Secretary of State and notified by him to the rating authorities and to the Board as soon as may be after the said first day of April.

(4) In this paragraph "gasworks" means any group of premises within one curtilage which is occupied by the 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 right of way.

12. 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.

FIFTH SCHEDULE

Section 25.

TRANSITORY PROVISIONS FOR RATING GAS BOARDS

PART I

Calculation of rateable value on which rates are to be assessed

1. The provisions of this Schedule shall have effect for the purpose of calculating in respect of the year 1957-58 and of each of the three following years, the rateable value of the lands and heritages which a Gas Board are to be treated as occupying as mentioned in subsection (1) of section twenty-five of this Act.

2. The total value of all the lands and heritages, other than excepted premises, belonging to or leased by each Gas Board, as ascertained by the Assessor of Public Undertakings (Scotland) (hereinafter referred to as "the Assessor") for the year 1956-57, shall be the basic rateable valuation of that Board for the purposes of this Schedule.

3. Each Gas Board shall estimate and certify the total number of therms supplied by them to consumers in their area during the twelve months ending with the thirty-first day of March, nineteen hundred and fifty-six, and such total number shall, for the purposes of this Schedule, be the standard number of therms of that Board.

4.—(1) For the year 1957-58 and each of the three following years each Gas Board's basic rateable valuation shall be adjusted in accordance with the following provisions of this paragraph, and such basic rateable valuation as so adjusted shall be the rateable valuation of that Board's undertaking for that year.

(2) For each such year each Gas Board shall—

- (a) estimate and certify the total number of therms supplied by the Board to consumers in their area during the twelve months ending with the thirty-first day of March falling within the immediately preceding year, 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 rateable valuation 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.

5.—(1) Each Gas Board's rateable valuation shall be apportioned in respect of the year 1957-58 and of each of the three following years among separately rated areas in the proportions in which the total value of all the lands and heritages, other than excepted premises, belonging to or leased by the Board was apportioned among such areas in respect of the year 1956-57 subject, however, to such adjustments in those proportions as may be necessary having regard to the following sub-paragraph.

(2) For the purpose of the apportionment in respect of any year of a Gas Board's rateable valuation for that year among separately rated areas, all such areas which are in existence at the commencement

5TH SCH.
—cont.

of the said year shall be deemed to have existed during the year 1956-57 and to have had the same boundaries during that year as they have at the commencement of the first-mentioned year.

6. The amount which, in accordance with the last foregoing paragraph, is allocated for any year to a separately rated area, in the case of a Gas Board, shall be the rateable value and the net annual value of the lands and heritages which that Gas Board is to be treated as occupying in that area for that year.

PART II

Supplementary Provisions

7. It shall be the duty of each Gas Board, before the first day of August in the year 1957-58 and in each of the three following years, to transmit to the Assessor a statement setting out particulars of all the matters estimated, calculated and certified for the purpose of computing any adjustment in the basic rateable valuation of that Board which falls to be made in that year under paragraph 4 of this Schedule.

8. On receipt of a statement under the last foregoing paragraph, the Assessor shall adjust the Gas Board's basic rateable valuation, calculate the rateable value of the lands and heritages which that Board are to be treated as occupying during the year in question in each separately rated area, and shall enter such rateable values in the valuation roll to be made up by him and notify the amount thereof to the rating authority concerned and to the Board before the eighth day of September in that year.

9. 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.

Section 26.

SIXTH SCHEDULE

EXCHEQUER GRANTS

1. The Minister of Housing and Local Government (hereinafter referred to as "the Minister") shall ascertain and certify—

- (a) the total amount of the relevant local expenditure (as defined in section four of the Act of 1948) of all the counties and county boroughs in England and Wales; and
- (b) the total of the weighted populations (as defined in section three of the Act of 1948) of all the counties and county boroughs in England and Wales.

2. The Secretary of State shall ascertain and certify the total of the weighted populations of all the burghs and landward areas in Scotland, and for the purposes of this paragraph—

- (a) the weighted population of any large burgh shall be the weighted population of that burgh as determined for the purposes of the Act of 1954; and

(b) the weighted population of any small burgh or landward area shall be the number which would have been determined to be the weighted population of that burgh or landward area for the purposes of the said Act if in sub-paragraph (ii) of paragraph (c) of subsection (3) of section four of that Act the reference to sub-paragraph (ii) of paragraph (b) of the said subsection had been omitted.

3. There shall then be calculated the sum which bears the same proportion to the amount referred to in sub-paragraph (a) of paragraph 1 of this Schedule as the total of the weighted populations in Scotland bears to the total of the weighted populations in England and Wales as so certified. The sum so arrived at is hereinafter referred to as "the notional relevant local expenditure for Scotland".

4. The Minister shall also ascertain and certify the total amount of the Exchequer Equalisation Grants payable to local authorities in England and Wales, and this amount shall be deducted from the total amount of the relevant local expenditure of all the counties and county boroughs in England and Wales. The sum so arrived at is hereinafter referred to as "the rates burden for England and Wales".

5. There shall then be calculated the sum which bears the same proportion to the rates burden for England and Wales as the population of Scotland bears to the population of England and Wales. The sum so arrived at is hereinafter referred to as "the notional rates burden for Scotland".

6. The notional rates burden for Scotland shall be deducted from the notional relevant local expenditure for Scotland and the sum so arrived at is hereinafter referred to as "the notional Exchequer Grant for Scotland".

7. There shall be calculated the sum which bears the same proportion to the total of the relevant local expenditure of all the burghs and landward areas in Scotland (which shall be ascertained and certified by the Secretary of State) as the notional Exchequer Grant for Scotland bears to the notional relevant local expenditure for Scotland, and the sum so arrived at is the amount last mentioned in subsection (1) of section twenty-six of this Act.

8. For the purposes of this Schedule—

sums or amounts shall relate as regards Scotland to the year in respect of which the Exchequer Grant is being calculated, and as regards England and Wales to the twelve months ending with the thirty-first day of March falling within that year ;

the population of Scotland shall be calculated by reference to estimates of the Registrar-General of Births, Deaths and Marriages in Scotland, and the population of England and Wales shall be calculated by reference to estimates of the Registrar-General of Births, Deaths and Marriages ;

references to England and Wales shall be construed as references to England and Wales exclusive of the Administrative County of London.

Section 44.

SEVENTH SCHEDULE

REPEAL OF ENACTMENTS

PART I

*Enactments repealed as from the sixteenth day of May,
nineteen hundred and fifty-six*

Session and Chapter	Short Title	Extent of Repeal
29 & 30 Vict. c. cclxxiii.	The Glasgow Police Act, 1866.	Section thirty-nine so far as relating to churches or other buildings to which section twenty-two of this Act applies.
37 & 38 Vict. c. 20.	The Rating Exemptions (Scotland) Act, 1874.	The whole Act except as regards burial grounds.
16 & 17 Geo. 5. c. 47.	The Rating (Scotland) Act, 1926.	In section eleven, paragraph (a).
20 & 21 Geo. 5. c. xxxvii.	The Glasgow Corporation Act, 1929.	Section twenty-nine so far as relating to churches or other buildings to which section twenty-two of this Act applies.
3 & 4 Geo. 6. c. iii.	The Aberdeen Corporation (Administration Finance etc.) Order Confirmation Act, 1940.	Section ninety-two of, and the Fifth Schedule to, the Order confirmed by the Act, so far as relating to churches or other buildings to which section twenty-two of this Act applies.
14 Geo. 6. c. xxvii.	The Edinburgh Corporation Order Confirmation Act, 1950.	Section forty-three of the Order confirmed by the Act.
14 & 15 Geo. 6. c. xiii.	The Airdrie Corporation Order Confirmation Act, 1951.	Section one hundred and two of the Order confirmed by the Act so far as relating to churches or other buildings to which section twenty-two of this Act applies.
2 & 3 Eliz. 2. c. ix.	The Dundee Corporation (Water Transport Finance etc.) Order Confirmation Act, 1954.	Sections one hundred and fifty-four and one hundred and fifty-five of, and the Third and Fourth Schedules to, the Order confirmed by the Act, so far as relating to churches or other buildings to which section twenty-two of this Act applies.

PART II

Enactments repealed on the passing of this Act

Session and Chapter	Short Title	Extent of Repeal
3 Edw. 7. c. 33	The Burgh Police (Scotland) Act, 1903.	Section sixty.
2 & 3 Eliz. 2. c. 13.	The Local Government (Financial Provisions) (Scotland) Act, 1954.	In section fourteen, subsection (2).

PART III

*Enactments repealed on the sixteenth day of May, nineteen hundred
and fifty-seven*

7TH SCH.
—cont.

Session and Chapter	Short Title	Extent of Repeal
17 & 18 Vict. c. 91.	The Lands Valuation (Scotland) Act, 1854.	Section three; in section six the words from "but shall be entitled" to the words "as compared with the amount of such valuation"; in section seven the words "or district" wherever they occur; in section eight the words "of which ten days' notice shall be given" and the words from "and such courts" to the end of the section; in section nine the words "six days at least before such appeal is heard"; sections fourteen to sixteen.
20 & 21 Vict. c. 58.	The Lands Valuation (Scotland) Act, 1857.	Sections one and two.
42 & 43 Vict. c. 42.	The Valuation of Lands (Scotland) Amendment Act, 1879.	Sections four and five; in section seven the words from "who are not officers" to "Act".
58 & 59 Vict. c. 41.	The Lands Valuation (Scotland) Amendment Act, 1895.	Section five.
58 & 59 Vict. c. 42.	The Sea Fisheries Regulation (Scotland) Act, 1895.	In section six, in subsection (6) the words "so far as payable by occupiers only".
16 & 17 Geo. 5. c. 47.	The Rating (Scotland) Act, 1926.	In section eleven, in paragraph (b) the words "by both owners and occupiers".
16 & 17 Geo. 5. c. 56.	The Housing (Rural Workers) Act, 1926.	In section eight, paragraph (f).
18 & 19 Geo. 5. c. 44.	The Rating and Valuation (Apportionment) Act, 1928.	In section nine, in paragraph (14) the words "or district".
19 & 20 Geo. 5. c. 25.	The Local Government (Scotland) Act, 1929.	Section four.
1 Edw. 8 & 1 Geo. 6. c. 28.	The Harbours, Piers and Ferries (Scotland) Act, 1937.	In section eighteen, in subsection (2) the words "and payable by owners and occupiers in equal proportions" and the words "on owners and occupiers in equal proportions" in both places where those words occur.
1 Edw. 8 & 1 Geo. 6. c. 37.	The Children and Young Persons (Scotland) Act, 1937.	In section one hundred and one, subsection (4).
1 Edw. 8 & 1 Geo. 6. c. 48.	The Methylated Spirits (Sale by Retail) (Scotland) Act, 1937.	Section seven.

7TH SCH.
—cont.

Session and Chapter	Short Title	Extent of Repeal
10 & 11 Geo. 6. c. 43.	The Local Government (Scotland) Act, 1947.	Sections eighty-one and ninety-one; in section one hundred and eighty-one, in subsection (2), in paragraph (a) the words from "and the respective amounts" to the end of the paragraph; in section two hundred and fourteen, in subsection (5) the words from "being a branch" to the end of the subsection; section two hundred and twenty-two; in section two hundred and twenty-three the words from "every rate levied upon owners" to "pound, and"; in section two hundred and twenty-four, subsection (2); in sections two hundred and thirty-nine to two hundred and forty-two the word "occupiers" where it appears in conjunction with the word "rate" or the word "rates"; in section two hundred and thirty-nine the words "so far as the rates are properly chargeable upon such occupier"; in section two hundred and forty-three, in subsection (1) the words "the occupiers' portion of", in subsection (2) the word "occupiers'"; in section two hundred and forty-six the words from "and in the case of a town council" to the end of the section.
11 & 12 Geo. 6. c. 26.	The Local Government Act, 1948.	In section twenty-nine the words from "and all sums so received" to the end of the section; in section eighty-five, subsection (2); in section one hundred and one the words from "and all sums so received" to the end of the section; in section one hundred and forty-five, in subsection (4) the words "Subject to the provisions of subsection (2) of section eighty-five of this Act", subsection (6).

7TH SCH.
—cont.

Session and Chapter	Short Title	Extent of Repeal
11 & 12 Geo. 6. c. 67.	The Gas Act, 1948 ...	In section seventy-five, subsection (8) except in so far as relating to lands and heritages belonging to or leased by the Gas Council.
12, 13 & 14 Geo. 6. c. 31.	The Water (Scotland) Act, 1949.	In section one, in subsection (2) the words from "shall be payable" to "proportions and", in subsection (3) the words "and shall be payable by occupiers only"; in section eight, in subsection (1) the words "payable by occupiers only".
12, 13 & 14 Geo. 6. c. 68.	The Representation of the People Act, 1949.	In section five, in subsection (6) the words "owned or", the words "owners or", the words "owning or", and the words "as the case may be" in both places where they occur, in subsection (7) the words "and the expression 'own' shall be construed accordingly"; in section six, in subsection (3) the words from "and where there is more than one assessor" to the end of the subsection; in the Third Schedule, in paragraph (3) of rule 15 the words "for occupiers' rates" and the word "such".
12, 13 & 14 Geo. 6. c. 75.	The Agricultural Holdings (Scotland) Act, 1949.	In section thirty-five, in subsection (2) the words "owners' rates or of" and the word "other" where first occurring.
14 Geo. 6. c. 34.	The Housing (Scotland) Act, 1950.	In section one hundred and thirty-eight, in paragraph (ii) of subsection (1) the word "rates"; in the Seventh Schedule, in sub-paragraph (e) of paragraph 5 the words "the owners' rates for the year and".
15 & 16 Geo. 6. & 1 Eliz. 2. c. 47.	The Rating and Valuation (Scotland) Act, 1952.	In section one, in subsection (1), paragraph (a), and in subsection (2), paragraph (a).
2 & 3 Eliz. 2. c. 13.	The Local Government (Financial Provisions) (Scotland) Act, 1954.	In section nine, subsection (3); in section thirteen, subsection (2) so far as relating to subsection (6) of section one hundred and forty-five of the Act of 1948.
2 & 3 Eliz. 2. c. 50.	The Housing (Repairs and Rents) (Scotland) Act, 1954.	In section thirty-six, subsections (1) and (2).

7TH SCH.
—cont.

PART IV

*Enactments repealed on the sixteenth day of May,
nineteen hundred and sixty-one*

Session and Chapter	Short Title	Extent of Repeal
17 & 18 Vict. c. 91.	The Lands Valuation (Scotland) Act, 1854.	Sections four, six and eight.
29 & 30 Vict. c. cclxxiii.	The Glasgow Police Act, 1866.	Section forty-seven.
30 & 31 Vict. c. 80.	The Valuation of Lands (Scotland) Amendment Act, 1867.	Section seven.
58 & 59 Vict. c. 41.	The Lands Valuation (Scotland) Amendment Act, 1895.	The whole Act.
3 Edw. 7. c. 33.	The Burgh Police (Scotland) Act, 1903.	Section forty-five.
1 & 2 Geo. 5. c. 49.	The Small Landholders (Scotland) Act, 1911.	In section thirty-one, subsection (6).
1 & 2 Geo. 5. c. 53.	The House Letting and Rating (Scotland) Act, 1911.	In section seven, subsection (8).
10 & 11 Geo. 5. c. 17.	The Increase of Rent and Mortgage Interest (Restrictions) Act, 1920.	In section twelve, in subsection (9) the words from " but, for the purpose of any enactment " to the end of the subsection.
16 & 17 Geo. 5. c. 47.	The Rating (Scotland) Act, 1926.	Section twelve, except subsections (5) and (6) thereof as applied by subsection (2) of section forty-five of the Local Government (Scotland) Act, 1929; in section twenty-nine, in subsection (1) the definitions of " gross annual value ", " gross annual valuation ", " rateable value " and " rateable valuation "; the First Schedule.
18 & 19 Geo. 5. c. 44.	The Rating and Valuation (Apportionment) Act, 1928.	In section nine, paragraph (3), and in paragraph (5) the words " agricultural lands and heritages ".
19 & 20 Geo. 5. c. 25.	The Local Government (Scotland) Act, 1929.	Section forty-four; in section seventy-seven, in subsection (1) the definitions of " gross annual valuation ", " rateable value " and " rateable valuation ".
25 & 26 Geo. 5. c. 41.	The Housing (Scotland) Act, 1935.	In section thirty-four, subsection (5).
1 & 2 Geo. 6. c. 52.	The Coal Act, 1938.	In section forty-five, in subsection (16) the words from " notwithstanding " to " subsequent enactment ".

7TH SCH.
—cont.

Session and Chapter	Short Title	Extent of Repeal
1 & 2 Geo. 6. c. 66.	The Rating and Valuation (Air-raid Works) (Scotland) Act, 1938.	In section one, subsection (2).
3 & 4 Geo. 6. c. iii.	The Aberdeen Corporation (Administration Finance etc.) Order Confirmation Act, 1940.	In section one hundred and one of the Order confirmed by the Act, paragraph (i) of the proviso.
9 & 10 Geo. 6. c. 42.	The Water (Scotland) Act, 1946.	In section thirty-seven, in subsection (3) the words from " or which forms part " to " Acts, 1886 to 1931 ".
10 & 11 Geo. 6. c. 43.	The Local Government (Scotland) Act, 1947.	In section three hundred and seventy-nine, in subsection (1) the definitions of " gross annual value " and " rateable value ".
11 & 12 Geo. 6. c. 26.	The Local Government Act, 1948.	In section one hundred and twenty-four, in subsection (2) the words " gross annual ".
12, 13 & 14 Geo. 6. c. 31.	The Water (Scotland) Act, 1949.	In section two, in subsection (2), paragraph (b), and subsection (4); section three; in section sixteen, subsections (1), (2) and (4), and in subsection (5) the words " subsection (1) or", the words " subsection (1) of section three or, as the case may be," and the words "(as defined in the Local Government (Scotland) Act, 1947)".
12, 13 & 14 Geo. 6. c. lvii.	The Fife County Council Order Confirmation Act, 1949.	Section one hundred and eighty-six of the Order confirmed by the Act.
14 Geo. 6. c. 34.	The Housing (Scotland) Act, 1950.	In section seventy-three, subsection (6); section one hundred and twenty-four; section one hundred and seventy-eight.
14 Geo. 6. c. xxvii.	The Edinburgh Corporation Order Confirmation Act, 1950.	Section forty-four of the Order confirmed by the Act.
15 & 16 Geo. 6. & 1 Eliz. 2. c. 47.	The Rating and Valuation (Scotland) Act, 1952.	In section one, in subsection (1), paragraph (c).
2 & 3 Eliz. 2. c. 50.	The Housing (Repairs and Rents) (Scotland) Act, 1954.	In section twenty-five, subsection (8); sections thirty-five and thirty-six.
2 & 3 Eliz. 2. c. ix.	The Dundee Corporation (Water Transport Finance etc.) Order Confirmation Act, 1954.	In section one hundred and fifty-three of the Order confirmed by the Act, paragraph (1) of the proviso.

Table of Statutes referred to in this Act

Short title	Session and chapter
Scientific Societies Act, 1843	6 & 7 Vict. c. 36.
Lands Valuation (Scotland) Act, 1854	17 & 18 Vict. c. 91.
Salmon Fisheries (Scotland) Act, 1862	25 & 26 Vict. c. 97.
Valuation of Lands (Scotland) Amendment Act, 1879.	42 & 43 Vict. c. 42.
Crofters Holdings (Scotland) Act, 1886	49 & 50 Vict. c. 29.
Burgh Police (Scotland) Act, 1903	3 Edw. 7. c. 33.
House Letting and Rating (Scotland) Act, 1911.	1 & 2 Geo. 5. c. 53.
Ancient Monuments Consolidation and Amendment Act, 1913.	3 & 4 Geo. 5. c. 32.
House Letting and Rating (Scotland) Act, 1920.	10 & 11 Geo. 5. c. 8.
Increase of Rent and Mortgage Interest (Restrictions) Act, 1920.	10 & 11 Geo. 5. c. 17.
Rating (Scotland) Act, 1926	16 & 17 Geo. 5. c. 47.
Housing (Rural Workers) Act, 1926... ..	16 & 17 Geo. 5. c. 56.
Rating and Valuation (Apportionment) Act, 1928.	18 & 19 Geo. 5. c. 44.
Local Government (Scotland) Act, 1929	19 & 20 Geo. 5. c. 25.
Small Landholders (Scotland) Act, 1931	21 & 22 Geo. 5. c. 44.
Rent and Mortgage Interest Restrictions (Amendment) Act, 1933.	23 & 24 Geo. 5. c. 32.
Air-Raid Precautions Act, 1937	1 & 2 Geo. 6. c. 6.
Rent and Mortgage Interest Restrictions Act, 1939.	2 & 3 Geo. 6. c. 71.
Land Drainage (Scotland) Act, 1941	4 & 5 Geo. 6. c. 13.
Housing (Temporary Accommodation) Act, 1944.	7 & 8 Geo. 6. c. 36.
Statutory Instruments Act, 1946	9 & 10 Geo. 6. c. 36.
New Towns Act, 1946	9 & 10 Geo. 6. c. 68.
Police (Scotland) Act, 1946	9 & 10 Geo. 6. c. 71.
National Health Service (Scotland) Act, 1947	10 & 11 Geo. 6. c. 27.
Local Government (Scotland) Act, 1947	10 & 11 Geo. 6. c. 43.
Town and Country Planning (Scotland) Act, 1947.	10 & 11 Geo. 6. c. 53.
Local Government Act, 1948	11 & 12 Geo. 6. c. 26.
National Assistance Act, 1948	11 & 12 Geo. 6. c. 29.
Agriculture (Scotland) Act, 1948	11 & 12 Geo. 6. c. 45.
Gas Act, 1948	11 & 12 Geo. 6. c. 67.
Water (Scotland) Act, 1949	12, 13 & 14 Geo. 6. c. 31.
Landlord and Tenant (Rent Control) Act, 1949.	12, 13 & 14 Geo. 6. c. 40.
Representation of the People Act, 1949	12, 13 & 14 Geo. 6. c. 68.
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.
Income Tax Act, 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 10.
Rating and Valuation (Scotland) Act, 1952... ..	15 & 16 Geo. 6. & 1 Eliz. 2. c. 47.
Housing (Scotland) Act, 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 63.
Historic Buildings and Ancient Monuments Act, 1953.	1 & 2 Eliz. 2. c. 49.

Short title	Session and chapter
Local Government (Financial Provisions) (Scotland) Act, 1954.	2 & 3 Eliz. 2. c. 13.
Civil Defence (Electricity Undertakings) Act, 1954.	2 & 3 Eliz. 2. c. 19.
Housing (Repairs and Rents) (Scotland) Act, 1954.	2 & 3 Eliz. 2. c. 50.
Crofters (Scotland) Act, 1955	3 & 4 Eliz. 2. c. 21.

CHAPTER 61

An Act to extend the power of the Minister of Fuel and Power to make advances to the National Coal Board for capital purposes; and to alter the financial year of the National Coal Board. [2nd August, 1956]

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. For the proviso to subsection (1) of section twenty-six of the Coal Industry Nationalisation Act, 1946, as substituted by subsection (1) of section one of the Coal Industry Act, 1951 (which provides that the aggregate amount of the principal outstanding in respect of advances by the Minister of Fuel and Power to the National Coal Board for capital purposes shall not at any time exceed three hundred million pounds and that the aggregate amount of such advances in any financial year shall not exceed forty million pounds or such greater amount as may be specified for that year in an order made by that Minister) there shall be substituted the following, that is to say—

“ Provided that the aggregate amount outstanding by way of principal—

(a) in respect of advances under this section made before the expiration of five years from the commencement of the Coal Industry Act, 1956—

(i) shall not at any time exceed six hundred and fifty million pounds; and

(ii) shall not at any time in any financial year exceed by more than seventy-five million pounds (or such greater sum as the Minister may by order specify for that year) the highest aggregate amount so outstanding at any time during the immediately preceding financial year; and

(b) in respect of advances under this section made after the expiration of the said five years shall not exceed such amount as Parliament may hereafter determine”.

Alteration of financial year of National Coal Board.

2. The current financial year of the National Coal Board shall end at midnight of the twenty-ninth day of December, nineteen hundred and fifty-six, and thereafter the financial year of the said Board shall be the period beginning at midnight of the Saturday falling on or nearest to the thirty-first day of December of one calendar year and ending at midnight of the Saturday falling on or nearest to the thirty-first day of December of the next following calendar year; and accordingly in subsection (1) of section sixty-three of the Coal Industry Nationalisation Act, 1946, the paragraph beginning with the words “ financial year of the Board ” is hereby repealed.

Citation and extent.

3.—(1) This Act may be cited as the Coal Industry Act, 1956, and the Coal Industry Acts, 1946 to 1951, and this Act may be cited together as the Coal Industry Acts, 1946 to 1956.

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

CHAPTER 62

An Act to amend the law relating to inns and innkeepers.
[2nd August, 1956]

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:—

Inns and innkeepers.

1.—(1) An hotel within the meaning of this Act shall, and any other establishment shall not, be deemed to be an inn; and the duties, liabilities and rights which immediately before the commencement of this Act by law attached to an innkeeper as such shall, subject to the provisions of this Act, attach to the proprietor of such an hotel and shall not attach to any other person.

(2) The proprietor of an hotel shall, as an innkeeper, be under the like liability, if any, to make good to any guest of his any damage to property brought to the hotel as he would be under to make good the loss thereof.

(3) In this Act, the expression " hotel " means an establishment held out by the proprietor as offering food, drink and, if so required, sleeping accommodation, without special contract, to any traveller presenting himself who appears able and willing to pay a reasonable sum for the services and facilities provided and who is in a fit state to be received.

2.—(1) Without prejudice to any other liability incurred by him with respect to any property brought to the hotel, the proprietor of an hotel shall not be liable as an innkeeper to make good to any traveller any loss of or damage to such property except where—

Modifications
of liabilities
and rights of
innkeepers
as such.

- (a) at the time of the loss or damage sleeping accommodation at the hotel had been engaged for the traveller; and
- (b) the loss or damage occurred during the period commencing with the midnight immediately preceding, and ending with the midnight immediately following, a period for which the traveller was a guest at the hotel and entitled to use the accommodation so engaged.

(2) Without prejudice to any other liability or right of his with respect thereto, the proprietor of an hotel shall not as an innkeeper be liable to make good to any guest of his any loss of or damage to, or have any lien on, any vehicle or any property left therein, or any horse or other live animal or its harness or other equipment.

(3) Where the proprietor of an hotel is liable as an innkeeper to make good the loss of or any damage to property brought to the hotel, his liability to any one guest shall not exceed fifty pounds in respect of any one article, or one hundred pounds in the aggregate, except where—

- (a) the property was stolen, lost or damaged through the default, neglect or wilful act of the proprietor or some servant of his; or
- (b) the property was deposited by or on behalf of the guest expressly for safe custody with the proprietor or some servant of his authorised, or appearing to be authorised, for the purpose, and, if so required by the proprietor or that servant, in a container fastened or sealed by the depositor; or
- (c) at a time after the guest had arrived at the hotel, either the property in question was offered for deposit as aforesaid and the proprietor or his servant refused to receive it, or the guest or some other guest acting on his behalf wished so to offer the property in question but, through the default of the proprietor or a servant of his, was unable to do so:

Provided that the proprietor shall not be entitled to the protection of this subsection unless, at the time when the property in question was brought to the hotel, a copy of the notice set out in the Schedule to this Act printed in plain type was conspicuously displayed in a place where it could conveniently be read by his guests at or near the reception office or desk or, where there is no reception office or desk, at or near the main entrance to the hotel.

Short title,
repeal, extent
and com-
mencement.
26 & 27 Vict.
c. 41.

3.—(1) This Act may be cited as the Hotel Proprietors Act, 1956.

(2) The Innkeepers' Liability Act, 1863, is hereby repealed.

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

(4) This Act shall come into operation on the first day of January, nineteen hundred and fifty-seven.

SCHEDULE

NOTICE

LOSS OF OR DAMAGE TO GUESTS' PROPERTY

Under the Hotel Proprietors Act, 1956, an hotel proprietor may in certain circumstances be liable to make good any loss of or damage to a guest's property even though it was not due to any fault of the proprietor or staff of the hotel.

This liability however—

- (a) extends only to the property of guests who have engaged sleeping accommodation at the hotel;
- (b) is limited to £50 for any one article and a total of £100 in the case of any one guest, except in the case of property which has been deposited, or offered for deposit, for safe custody;
- (c) does not cover motor-cars or other vehicles of any kind or any property left in them, or horses or other live animals.

This notice does not constitute an admission either that the Act applies to this hotel or that liability thereunder attaches to the proprietor of this hotel in any particular case.



CHAPTER 63

British Caribbean Federation Act, 1956

ARRANGEMENT OF SECTIONS

Section

1. Power by Order in Council to establish federation, &c.
2. Power to confer on Federal Supreme Court jurisdiction to hear and determine appeals from courts of colonies outside federation and to dissolve West Indian Court of Appeal.
3. Grants to the Federal Government.
4. Expenses.
5. Repeal of 44 & 45 Vict. c. 36.
6. Short title.

SCHEDULE—Colonies included in the federation.

An Act to provide for the federation of certain West Indian colonies and for the transfer, to a court established for the purposes of the federation, of the jurisdiction of the Court of Appeal established by the West Indian Court of Appeal Act, 1919, and the dissolution of that Court; to provide for conferring on the first-mentioned court jurisdiction to hear and determine appeals from the courts of colonies which are not for the time being included in the federation and to repeal the British Honduras (Court of Appeal) Act, 1881; and for purposes connected with the matters aforesaid.

[2nd August, 1956]

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

1.—(1) Her Majesty may, by an Order in Council,—

(a) provide for the federation of the colonies specified in the Schedule to this Act (with their respective dependencies, if any) and, in that connection,—

(i) provide for the establishment of a Federal Government, a Federal Legislature, a Federal Supreme Court and such other Federal authorities as may appear to Her Majesty to be necessary or expedient;

(ii) confer, or provide for conferring, on the said Government, Legislature, Court and authorities, and on any other Governments, Legislatures, Courts and authorities (whether within those colonies or

Power by
Order in
Council to
establish
federation,
&c.

elsewhere) such powers and duties as may be specified by or under the Order, including (in the case of any Legislature) power to make laws having extra-territorial operation;

- (b) amend, in such manner as may appear to Her Majesty to be necessary or expedient, having regard to the federation, the enactments, Letters Patent, Orders in Council or other instruments relating to the government of those colonies respectively and their dependencies;
- (c) make, or provide for the making of, such incidental, consequential and transitional provisions as may appear to Her Majesty to be necessary or expedient as aforesaid, including, in particular, adaptations and modifications of any enactments, Orders in Council, orders, regulations or other instruments relating or referring to any of those colonies or their dependencies.

(2) An Order in Council under the foregoing subsection may—

- (a) include provision for the accession to the federation established by the Order of other colonies (with their dependencies, if any) and with respect to the manner in which dependencies of colonies for the time being included in the said federation are to be treated for the purposes thereof;
- (b) authorise Her Majesty in Council by Order to make, in connection with the accession of a colony to the said federation, provision (whether or not involving amendment or revocation of any provisions of the first-mentioned Order) for anything for which, by virtue of the foregoing subsection, She might make provision if the occasion of the accession were that of the establishment of the federation and the acceding colony were included amongst the colonies specified in the Schedule to this Act;
- (c) authorise Her Majesty in Council by Order to make, for such purposes as may be specified in the first-mentioned Order, laws for the federation thereby established (including laws having extra-territorial operation);
- (d) provide that jurisdiction conferred thereby or thereunder on the Federal Supreme Court to hear and determine appeals from the courts of such of the colonies specified in the Schedule to this Act as are colonies to which the West Indian Court of Appeal Act, 1919 (as amended by subsequent enactments) applies shall be in substitution for jurisdiction conferred by that Act on the Court of Appeal established thereby to hear and determine appeals from the courts of those colonies;

- (e) authorise Her Majesty in Council by Order to amend or revoke any of its provisions or any provisions of an Order in Council made in exercise of a power conferred by virtue of this subsection;
- (f) apply any of the provisions of the Statutory Instruments 9 & 10 Geo. 6. Act, 1946, to an Order in Council made as aforesaid. c. 36.

(3) Save in so far as the amendment or revocation thereof may be authorised by virtue of the last foregoing subsection, an Order in Council under subsection (1) of this section shall not be capable of being amended or revoked except by Act of Parliament.

(4) No recommendation shall be made to Her Majesty in Council to make an Order under subsection (1) of this section unless a draft of the Order has been laid before Parliament and approved by resolution of each House of Parliament.

2.—(1) Her Majesty may by Order in Council—

- (a) confer, or provide for conferring, on the Federal Supreme Court established by Order in Council under the foregoing section jurisdiction to hear and determine appeals from the courts of British Guiana and the Virgin Islands, provide that any such jurisdiction shall be in substitution for jurisdiction conferred by the West Indian Court of Appeal Act, 1919 (as amended by subsequent enactments) on the Court of Appeal established thereby to hear and determine appeals from the courts of those colonies and dissolve the said Court of Appeal;
- (b) confer, or provide for conferring, on the Federal Supreme Court so established jurisdiction to hear and determine appeals from the courts of other colonies which are not for the time being included in the federation so established.

Power to confer on Federal Supreme Court jurisdiction to hear and determine appeals from courts of colonies outside federation and to dissolve West Indian Court of Appeal.

(2) An Order in Council under this section may make provision for any incidental, consequential or transitional matters for which it appears to Her Majesty in Council necessary or expedient to make provision for the purposes of the Order, including provision for conferring upon the legislature of a colony from whose courts criminal appeals lie to the said Federal Supreme Court by virtue of this section power to make, with extra-territorial operation, laws providing for the conveyance of prisoners to and from the place where that Court is sitting.

(3) An Order in Council under this section may be varied or revoked by a subsequent Order of Her Majesty in Council.

Y*

Grants to the
Federal
Government.

3. The Secretary of State may make to the Government of the federation established by Order in Council under section one of this Act (in this section referred to as "the Federal Government")—

- (a) grants, of amounts not exceeding in the aggregate one million pounds, towards defraying the cost of establishing the seat of the Federal Government;
- (b) in respect of the period of twelve months beginning with the first day of January next after the establishment of the said federation and of each of the nine next succeeding periods of twelve months beginning with the anniversary of that day, a grant of such amount as he may, with the approval of the Treasury, determine, for the purpose of enabling the Federal Government to make grants to the governments of colonies for the time being included in the said federation whose resources are, in the opinion of the Federal Government, insufficient to enable them to defray their administrative expenses.

Expenses.

4. The expenses incurred by the Secretary of State under the last foregoing section shall be defrayed out of moneys provided by Parliament, and any increase attributable to an Order in Council made under or by virtue of section one of this Act in sums payable under any other enactment out of moneys so provided or out of the Consolidated Fund of the United Kingdom, shall be paid out of moneys so provided or out of that Fund, as the case may be.

Repeal of
44 & 45 Vict.
c. 36.

5. The British Honduras (Court of Appeal) Act, 1881, is hereby repealed.

Short title.

6. This Act may be cited as the British Caribbean Federation Act, 1956.

Section 1.

SCHEDULE

COLONIES INCLUDED IN THE FEDERATION

Barbados.
Jamaica.
Antigua.
Montserrat.
Saint Christopher, Nevis and Anguilla.
Trinidad and Tobago.
Dominica.
Grenada.
Saint Lucia.
Saint Vincent.



CHAPTER 64

Governors' Pensions Act, 1956

ARRANGEMENT OF SECTIONS

Section

1. Pensions to certain Governors with less than three years' service.
 2. Power to grant pension to Governor retiring under fifty-five.
 3. New method of calculating amount of Governor's pension.
 4. Increase of maximum amount of Governor's pension.
 5. Power to commute Governor's pension.
 6. Allocation of part of Governor's pension to spouse or dependant.
 7. Gratuity in case of death while serving as Governor.
 8. Calculation of yearly amount of commuted pension.
 9. Further amendment of section six of principal Act.
 10. Application of Superannuation Acts to former Governors.
 11. Abolition of duty to become or remain Governor.
 12. Meaning of "Governor" and "service in the permanent Civil Service of the State".
 13. Orders.
 14. Application to certain pensions and gratuities granted before commencement of Act, saving and repeal.
 15. Payment out of moneys provided by Parliament.
 16. Interpretation, etc.
 17. Short title, construction and citation.
- SCHEDULE—Enactments Repealed.

An Act to amend the Pensions (Governors of Dominions, &c.) Acts, 1911 to 1947. [2nd August, 1956]

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 pension may be granted under the Pensions (Governors of Dominions, &c.) Act, 1911 (in this Act referred to as the "principal Act") to a person who has served as a Governor and who immediately before his appointment as a Governor was employed in service in the permanent Civil Service of the State, notwithstanding that he has not completed three years' service as a Governor (the period required by section one of the Pensions (Governors of Dominions, &c.) Act, 1936), if the other conditions for the grant of such a pension are satisfied, and, in particular, the period of his service as a Governor and the period of his service in the permanent Civil Service of the State together amount to not less than ten years.

Pensions to certain Governors with less than three years' service.

(2) In this Act the expression "service in the permanent Civil Service of the State" means service which is either pensionable overseas service (as defined in section sixteen of this Act) or service in respect of which a pension may be granted under the Superannuation Acts.

Power to grant pension to Governor retiring under fifty-five.

2. The age at which a pension may be granted under the principal Act shall be fifty instead of fifty-five years, and accordingly the word "fifty" shall be substituted for the words "fifty-five" in paragraph (a) of subsection (1) of section one of that Act, in subsection (1) of section nine of that Act (in both places where those words occur) and in subsection (2) of section one of the Pensions (Governors of Dominions, &c.) Act, 1947.

New method of calculating amount of Governor's pension.

3.—(1) The following provisions of this section shall replace the rules set out in section two of the principal Act for calculating the yearly amount of a pension granted under that Act.

(2) In the case of a pension granted to a person who, immediately before his appointment as a Governor, was serving in pensionable overseas service, the said amount shall be calculated—

- (a) by taking for every completed month of his service in pensionable overseas service or as a Governor one six-hundredth of the average yearly amount of his final salary; and
- (b) by deducting from the total amount ascertained under the foregoing paragraph the yearly amount of any pension granted to him in respect of any pensionable overseas service;

except that where the said amount will be greater if calculated in accordance with the next following subsection it shall be so calculated.

(3) In the case of a pension granted to any other person the said amount shall be calculated by taking for every completed month of service as a Governor one six-hundredth of the said average yearly amount.

Increase of maximum amount of Governor's pension.

4.—(1) Subsection (1) of section four of the principal Act (which, as amended by section three of the Pensions (Governors of Dominions, &c.) Act, 1947, specifies two thousand three hundred pounds as the maximum yearly amount of a pension under that Act) and subsection (2) of that section (which, as so amended, similarly restricts the right to such a pension of persons in receipt of other pensions earned in the service of the Crown) shall have effect as if for each reference therein to two thousand three hundred pounds there were substituted a reference to whichever of the following is the less, that is to say,—

- (a) three thousand pounds or such other sum as the Treasury may by order specify; or
- (b) two-thirds of the yearly amount of the highest salary which the person entitled to receive the pension has at any time received in respect of his service in the permanent Civil Service of the State or as a Governor.

(2) The reference in the said subsection (2) to service of the Crown shall be construed as including all pensionable overseas service.

5. In granting a pension under the principal Act to any person the Secretary of State may, on the application of that person and with the approval of the Treasury, commute by the payment of a capital sum calculated in such manner as the Treasury may by order prescribe, part of the pension not exceeding one-fourth of the yearly amount which that person might have received but for the commutation.

Power to commute Governor's pension.

6.—(1) The Treasury may make rules for securing that, in such circumstances and subject to such conditions as to proof of good health and other matters as may be specified in the rules,—

Allocation of part of Governor's pension to spouse or dependant.

(a) a Governor shall be allowed to surrender, as from the date of his retirement, and

(b) a retired Governor under the age of seventy who has married since his retirement shall be allowed to surrender, as from the date of his marriage,

in return for the benefits of the rules, such part of any pension granted or to be granted to him under the principal Act as, subject to the next following subsection, may be specified in the rules, and for enabling the Treasury to grant either to his spouse, or (unless the surrender was made under paragraph (b) of this subsection) to a dependant, a pension of such value as, according to tables to be prepared from time to time by the Government Actuary, is actuarially equivalent, at the date as from which the said part is surrendered, to the value of that part.

(2) The part of a pension surrendered under the foregoing subsection (whether by virtue of paragraph (a) or paragraph (b) or both) shall not exceed one-third or, where part of the pension is commuted under the last foregoing section, one-third of the remainder.

(3) Any pension under this section for the benefit of a dependant (not being the spouse) of a retired Governor shall be payable in respect of the period, if any, for which the dependant survives him, and any such pension for the benefit of the spouse shall, according as the Governor may, in conformity with the rules under this section, elect, be payable either—

(a) in respect of the period, if any, for which the spouse survives him, or

(b) in respect both of the period of their joint lives (subsequent to the retirement or marriage), and of the period, if any, for which the spouse survives him,

and the rules may provide that a pension payable thereunder in respect of the periods mentioned in paragraph (b) of this subsection shall be paid at one rate in respect of the first of those periods and at a higher rate in respect of the second.

(4) For the purposes of paragraph (b) of subsection (2) of section four of the principal Act (which imposes a limit on the amount of a pension under that Act which a person in receipt of another Crown pension may receive) any part of a pension surrendered by a person in accordance with rules made under this section shall be treated as being received by him.

(5) Rules under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Gratuity in case of death while serving as Governor.

7.—(1) The following provisions of this section shall have effect in substitution for the provisions of subsection (2) of section five of the principal Act and section four of the Pensions (Governors of Dominions, &c.) Act, 1929 (which relate to death gratuities).

(2) Where a Governor who, immediately before his appointment as a Governor, was serving in an office in the permanent Civil Service of the State, dies while he is a Governor, the Treasury may grant to his personal representatives out of moneys provided by Parliament a gratuity of such amount, not exceeding four thousand five hundred pounds, as is equal to the average yearly amount of his final salary.

(3) The Treasury may by order direct that the last foregoing subsection shall have effect as if for the reference to four thousand five hundred pounds there were substituted a reference to such other sum as may be specified in the order.

Calculation of yearly amount of commuted pension.

8. Where part of a pension granted under the principal Act or the whole or part of any other pension has been commuted by the payment of a capital sum, the yearly amount of the pension shall be taken, for the purposes of the Pensions (Governors of Dominions, &c.) Acts, 1911 to 1947 and this Act, to be what it would have been but for the commutation.

Further amendment of section six of principal Act.

9. The section substituted for section six of the principal Act by section five of the Pensions (Governors of Dominions, &c.) Act, 1929 (which provides for reducing the amount of a pension granted under the principal Act where the person to whom it has been granted receives any salary or emolument in respect of certain employment) shall have effect as if the employment specified therein included any employment under the Government of the United Kingdom or any oversea territory.

Application of Superannuation Acts to former Governors.

10.—(1) Where a person who has served as a Governor becomes employed in an established capacity in service in respect of which a pension may be granted under the Superannuation Acts, then, if he has not become entitled to a pension under the principal Act, his service as a Governor may for the purposes of the

Superannuation Acts (including the Superannuation Act, 1949) be treated as if it had been service in respect of which a pension may be granted under those Acts.

(2) Where a person who has become entitled to a pension under the principal Act becomes employed in service in respect of which a superannuation allowance and additional allowance under the Superannuation Acts cannot, apart from this section, be granted to him but which is of a kind in respect of which such allowances are granted to persons retiring after the requisite number of years then, whether or not his employment was in an established capacity and notwithstanding that he has not completed the requisite number of years' service, a superannuation allowance and additional allowance may on his retirement be granted to him under those Acts but—

- (a) no more than five years of his service shall be taken into account in computing their amounts; and
- (b) where his service was less than three years their amounts shall be computed as if the whole of his service were the period specified in subsection (2) of section four of the Superannuation Act, 1935 (which requires such allowances to be computed on the average annual amount of salary and emoluments during the last three years of service); and
- (c) where his employment was in an established capacity Parts I and II of the Superannuation Act, 1949 (which make provision for pensions to widows and dependants and for the collection of contributions in respect of such pensions) shall nevertheless not apply to him.

(3) Allowances granted by virtue of the last foregoing subsection shall be left out of account for the purposes of subsection (2) of section four of the principal Act (which restricts the right to a pension under that Act of a person in receipt of another pension earned in the service of the Crown).

11. Section eight of the principal Act (which enables the Secretary of State to declare a person's claim to a pension under that Act forfeited for his failure to accept or perform the duties of a Governor) shall cease to have effect.

Abolition of duty to become or remain Governor.

12.—(1) In the Pensions (Governors of Dominions, &c.) Acts, 1911 to 1947 and this Act, the expression "Governor" shall include the Governor (however styled) of any federation or association of oversea territories.

Meaning of "Governor" and "service in the permanent Civil Service of the State".

(2) Subject to the next following subsection, the expression "service in the permanent Civil Service of the State" shall have the same meaning in the Pensions (Governors of Dominions, &c.) Acts, 1911 to 1947 as is assigned to it for the purposes of this Act by subsection (2) of section one of this Act.

(3) For the removal of doubt it is hereby declared that where under section two of the Pensions (Governors of Dominions, &c.) Act, 1929 any years served as Governor are to be treated as if they had been passed in service in the permanent Civil Service of the State, the service in which those years are to be treated as having been passed is service in respect of which a pension may be granted under the Superannuation Acts.

Orders.

13. Any order of the Treasury under this Act shall be made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of the Commons House of Parliament, and may be varied or revoked by a subsequent order.

Application to certain pensions and gratuities granted before commencement of Act, saving and repeal.

14.—(1) The provisions of this Act shall apply in relation to pensions and gratuities granted before the commencement of this Act but after the thirty-first day of August, nineteen hundred and fifty-five, as well as to those granted after its commencement.

(2) Where the amount of a pension or gratuity granted to or in respect of a person who was serving as a Governor on the first day of September, nineteen hundred and fifty-five, would be less if computed under section three or, as the case may be, section seven of this Act than if computed under the enactments mentioned in those sections, it shall be computed in accordance with those enactments, notwithstanding their repeal by this Act.

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

Payment out of moneys provided by Parliament.

15. There shall be paid out of moneys provided by Parliament any increase attributable to the provisions of this Act in the sums which under the Pensions (Governors of Dominions, &c.) Acts, 1911 to 1947 or under the Superannuation Acts are payable out of moneys so provided.

Interpretation etc.

16.—(1) In this Act,—

“ final salary ” means salary during the last three years of service (whether as a Governor or in the permanent Civil Service of the State);

“ overseas territory ” means a territory which is, or is part of, a colony, protectorate, protected state or trust territory;

“ pensionable overseas service ” means service in any office under the Government of any country which is, or was at the time of the service, an overseas territory or a mandated territory, being service qualifying for a pension payable out of public revenue, out of

any fund established by the Government of that country, or out of the fund formed under the Oversea Superannuation Scheme;

“ salary ”, in relation to service in the permanent Civil Service of the State, includes emoluments;

“ the Superannuation Acts ” means the Superannuation Acts, 1834 to 1950;

“ trust territory ” means a territory administered by Her Majesty's Government in the United Kingdom under the trusteeship system of the United Nations,

and references to the Government of an oversea territory include references to a Government constituted for two or more such territories and to any authority established for the purpose of providing or administering services which are common to, or relate to matters of common interest to, two or more such territories.

(2) References in this Act and the Pensions (Governors of Dominions, &c.) Acts, 1911 to 1947 to emoluments include only emoluments which are taken into account for the purposes of any pension other than a pension payable under the principal Act.

(3) This Act shall be included among the enactments which may be applied by Order in Council under subsection (4) of section three of the Palestine Act, 1948 (which enables service under the Government of Palestine during the mandate to be treated for superannuation purposes as continuing after the relinquishment of the mandate).

17. This Act may be cited as the *Governors' Pensions Act, 1956*, and shall be construed as one with the *Pensions (Governors of Dominions, &c.) Acts, 1911 to 1947*, except that the expression “ colony ” in this Act shall be construed with due regard to the date of its passing; and those Acts and this Act may be cited together as the *Governors' Pensions Acts, 1911 to 1956*.

Short title,
construction
and citation.

Section 14.

SCHEDULE

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
1 & 2 Geo. 5. c. 24.	The Pensions (Governors of Dominions, &c.) Act, 1911.	Section two; section five; section eight; in section twelve, in subsection (1) the definition of "service in the permanent Civil Service of the State".
19 & 20 Geo. 5. c. 16.	The Pensions (Governors of Dominions, &c.) Act, 1929.	Sections one, three, four and seven.
26 Geo. 5. & 1 Edw. 8. c. 25.	The Pensions (Governors of Dominions, &c.) Act, 1936.	In section one, in subsection (1), paragraph (a) and the words from "and accordingly" to the end of the subsection, and subsection (4); section two.
11 & 12 Geo. 6. c. 12.	The Pensions (Governors of Dominions, &c.) Act, 1947.	In section one, subsections (1), (3) and (4); sections two and three.

— — — — —

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Pensions (Governors of Dominions, &c.) Act, 1911.	1 & 2 Geo. 5. c. 24.
Pensions (Governors of Dominions, &c.) Act, 1929.	19 & 20 Geo. 5. c. 16.
Superannuation Act, 1935	25 & 26 Geo. 5. c. 23.
Pensions (Governors of Dominions, &c.) Act, 1936.	26 Geo. 5 & 1 Edw. 8. c. 25.
Pensions (Governors of Dominions, &c.) Act, 1947.	11 & 12 Geo. 6. c. 12.
Palestine Act, 1948	11 & 12 Geo. 6. c. 27.
Superannuation Act, 1949	12, 13 & 14 Geo. 6. c. 44.

~~~~~

## CHAPTER 65

An Act to grant money for the purpose of certain local loans out of the Local Loans Fund. [2nd August, 1956]

**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) 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 three hundred million pounds. Grants for public works.

(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.

50 & 51 Vict.  
c. 16.

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— Limit of commitments by Public Works Loan Commissioners.

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 four hundred million pounds.

3. This Act may be cited as the Public Works Loans Act, Short title. 1956.



## CHAPTER 66

An Act to change to public health inspectors the designation of sanitary inspectors appointed under the Local Government Act, 1933, or the London Government Act, 1939. [2nd August, 1956.]

**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:—

Sanitary inspectors to be called public health inspectors.

23 & 24 Geo. 5.  
c. 51.  
2 & 3 Geo. 6.  
c. 40.

Short title.

1. Sanitary inspectors appointed under the Local Government Act, 1933, or the London Government Act, 1939, shall henceforth be designated public health inspectors; and references in any enactment or any instrument having effect by virtue of any enactment to sanitary inspectors so appointed shall be construed accordingly.

2. This Act may be cited as the Sanitary Inspectors (Change of Designation) Act, 1956.

---

## CHAPTER 67

*Road Traffic Act, 1956*

### ARRANGEMENT OF SECTIONS

#### *General provisions relating to road traffic*

Section

1. Tests of satisfactory condition of vehicles.
2. Obligatory test certificates.
3. Testing of condition of vehicles on roads.
4. Amendments as to speed limit in built-up areas.
5. Road-safety information and road training.
6. Amendment of s. 59 (1) of Act of 1930.
7. Amendment of s. 8 of Act of 1934.
8. Causing death by reckless or dangerous driving of motor vehicles.
9. Punishment of persons in charge of motor vehicles when under influence of drink or drugs.
10. Variation of minimum age for driving motor cycles on roads.
11. Application to pedal cyclists of provisions relating to certain driving offences.
12. Control of use of footpaths and bridleways for motor vehicle trials.
13. Regulation of cycle racing on highways.
14. Duty of pedestrians to comply with traffic directions given by constables.
15. Control of dogs on roads.

**Section**

16. Amendments as to exemption from driving test.
17. Amendments as to groups of vehicles covered by driving tests.
18. Amendments as to provisional driving licences.

*Provision of parking places*

19. Provision of parking places where charges made.
20. Amount of charges for parking and method of payment.
21. General provisions for regulation of parking places.
22. Offences relating to parking places.
23. Parking places: financial provisions.
24. Parking places: supplementary provisions.
25. Charges for parking vehicles in Royal Parks.

*Provisions as to enforcement*

26. Penalties and disqualifications.
27. Duration of driving disqualifications.
28. Appeal against finding of no special reasons for not disqualifying.
29. Offences against s. 35 of Act of 1930.
30. Extension of provisions as to warning of intended prosecution.
31. Additional provisions as to production and surrender of driving licences, etc.
32. Extension of s. 113 (3) of Act of 1930.

*Traffic Regulation*

33. Amendment of s. 46 of Act of 1930.
34. Amendments as to traffic regulation during road repairs, etc.
35. Traffic signs.
36. Experimental traffic schemes in London.
37. Powers of police to erect traffic signs relating to special traffic regulations.
38. Temporary signs for dealing with traffic congestion and danger.

*Public service vehicles*

39. Meaning of "public service vehicle", "stage carriage", "express carriage" and "contract carriage".
40. Circumstances affecting classification of vehicles under last foregoing section.

*Miscellaneous and Supplementary Provisions*

41. Lighting-up time.
42. Protective helmets for motor-cyclists.
43. Amendments as to conditions of carriers' licences.
44. Amendments as to suspension or revocation of A and B licences.
45. Provisions as to dual carriageways, roundabouts and street refuges.
46. Amendments as to pedestrian crossings.
47. Appeals relating to road service licences.
48. Duration of driving licences and fees therefor.
49. Constitution of London and Home Counties Traffic Advisory Committee.
50. Exemption of pedestrian-controlled grass cutters.
51. Minor and consequential amendments.
52. Financial provisions.
53. Application to Crown.
54. Interpretation.
55. Short title, commencement, repeals, savings and extent.

**SCHEDULES:**

First Schedule—Deferred tests of condition of vehicles.

Second Schedule—Travelling, &c., allowances for attendance at Road Safety Conferences.

Third Schedule—Procedure for orders designating parking places.

Part I—Orders made on Local Authority application.

Part II—Orders made without Local Authority application.

Part III—Provisions as to Inquiries.

Fourth Schedule—Offences in respect of which disqualification or endorsement may be ordered.

Fifth Schedule—Experimental traffic schemes in London.

Sixth Schedule—Conditions affecting classification of vehicles.

Part I—Race meetings, public gatherings, etc.

Part II—Conditions relating to certain journeys for vehicles carrying four passengers or less.

Part III—Parties of overseas visitors.

Part IV—Alternative conditions affecting classification.

Part V—Supplementary.

Seventh Schedule—Supplementary provisions in connection with proceedings for offences under section forty-two.

Eighth Schedule—Minor and consequential amendments.

Ninth Schedule—Enactments repealed.

**An Act to amend the law relating to road traffic (including driving licences, lighting and insurance), the provision of parking places, the regulation of public service vehicles and the licensing of goods vehicles; and for purposes connected therewith.**  
[2nd August, 1956]

**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:—

*General provisions relating to road traffic*

Tests of satisfactory condition of vehicles.

1.—(1) The provisions of this and the next following section shall have effect for the purpose of ascertaining whether the prescribed statutory requirements relating to the construction and condition of motor vehicles or their accessories or equipment are complied with.

(2) The Minister may by regulations make provision for the examination of vehicles submitted for examination under this section and for the issue, where it is found on such an examination that the said requirements are complied with, of a certificate (hereinafter referred to as a “test certificate”) that at the date of the examination the requirements were complied with in relation to the vehicle.

(3) Examinations for the purposes of this section shall be carried out by persons, not being officers of the Minister, authorised for those purposes by the Minister (hereinafter referred to as “authorised examiners”), by inspectors appointed by the Minister, or by inspectors appointed by any council designated by the Minister for the purposes of this section, being the council of a county, of a borough, or of a large burgh (within the meaning of the Local Government (Scotland) Act, 1947).



(4) Where a test certificate is refused, the inspector or examiner shall issue a notification of the refusal stating the grounds thereof, and any person aggrieved by the refusal or the grounds thereof may appeal to the Minister; and on any such appeal the Minister shall cause a further examination to be made and either issue a test certificate or issue such a notification as aforesaid.

(5) For the purposes of their functions under this section the Minister or a council designated for the purposes of this section may provide and maintain—

- (a) stations where examinations under this section may be carried out, and
- (b) apparatus for carrying out such examinations.

(6) The Minister may make regulations for the purpose of giving effect to the foregoing provisions of this section and for prescribing anything authorised by this section to be prescribed, and in particular as to—

- (a) the authorisation of examiners, the imposition of conditions to be complied with by authorised examiners and the withdrawal of authorisations;
- (b) the manner in which, conditions under which, and apparatus with which examinations are carried out, the maintenance of that apparatus in an efficient state, and the inspection of premises at which and apparatus with which examinations are being, or are to be, carried out;
- (c) the manner in which applications may be made for the examination of vehicles under this section, the manner in which and time within which appeals may be brought under subsection (4) of this section, the information to be supplied and documents to be produced on such an application, examination or appeal, the fees to be paid on such an application or appeal, and the repayment of the whole or a part of the fee paid on such an appeal where it appears to the Minister that there were substantial grounds for contesting the whole or part of the decision appealed against;
- (d) the form of, and particulars to be contained in, test certificates and notifications of the refusal thereof, and the supply by the Minister of forms for such certificates and notifications and the charges to be made for the supply thereof;
- (e) the issue of duplicates of test certificates lost or defaced and the fee to be paid for the issue thereof;
- (f) the keeping by designated councils and authorised examiners of registers of test certificates in the prescribed

form and containing the prescribed particulars, and the inspection of such registers by such persons and in such circumstances as may be prescribed ;

- (g) the keeping of records by designated councils and authorised examiners and the furnishing by them of returns and information to the Minister ;

and regulations under this section may make different provision in relation to different cases or classes of cases.

(7) If any person with intent to deceive falsely represents himself to be, or to be employed by, an authorised examiner he shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred pounds or imprisonment for a term not exceeding three months or both such fine and such imprisonment.

(8) Subsections (1), (3) and (4) of section one hundred and twelve of the Act of 1930 (which relate to forgery and other offences committed as respects certificates of insurance and other documents) shall apply to test certificates as they apply to certificates of insurance.

(9) The powers conferred by this section to make regulations shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

Obligatory  
test certificates.

2.—(1) Any person who uses on a road at any time, or causes or permits to be so used, a motor vehicle to which this section applies, and as respects which no test certificate has been issued within the appropriate period before the said time, shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months.

(2) The motor vehicles to which this section applies at any time are those first registered under the Vehicles (Excise) Act, 1949, or the Roads Act, 1920, not less than ten years before that time :

Provided that this section shall not apply to public service vehicles adapted to carry eight or more passengers, to tramcars, to trolley buses, or to vehicles of such classes or descriptions as may be prescribed, and the Minister may by order made by statutory instrument provide that this section shall apply only to vehicles for the time being registered as aforesaid with such councils as may be specified in the order.

(3) The Minister may by order made by statutory instrument direct that the last foregoing subsection shall have effect with the substitution for ten years of such shorter period as may be specified in the order.

An order under this subsection shall not have effect unless approved by resolution of each House of Parliament.

(4) The Minister may by regulations exempt from subsection (1) of this section the use of vehicles for such purposes as may be prescribed.

(5) The Minister may by regulations exempt from subsection (1) of this section the use of vehicles in any such area as may be prescribed.

(6) The Minister may by regulations provide that where application is made for a licence under the Vehicles (Excise) Act, 1949, for a vehicle to which this section applies, the licence shall not be granted except after either—

- (a) the production of such evidence as may be prescribed of the granting of an effective test certificate or (if it is so prescribed) the production of such a certificate, or
- (b) the making of such a declaration as may be prescribed that the vehicle is not intended to be used during the period for which the licence is to be in force except for a purpose prescribed under subsection (4), or in an area prescribed under subsection (5), of this section.

In paragraph (a) of this subsection the expression “effective test certificate” means, in relation to an application for a licence for a vehicle, a test certificate relating to the vehicle and issued within the appropriate period before the date from which the licence is to be in force.

(7) In this section the expression “appropriate period” means a period of twelve months or such shorter period as may be prescribed.

(8) In this section the expression “prescribed” means prescribed by regulations of the Minister, and the power to make regulations conferred by this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

(9) Where within the appropriate period after the issue of a test certificate, but not earlier than one month before the end of that period, a further test certificate is issued as respects the same vehicle, the further certificate shall be treated for the purposes of this section as if issued at the end of the said appropriate period.

(10) For the purpose of spreading the work of issuing certificates in contemplation of the coming into operation of this section or of a change in the length of the appropriate period—

- (a) the order appointing a day for the coming into operation of this section may appoint different days as respects vehicles registered as mentioned in subsection (2) of this section at different times ;
- (b) the regulations changing the length of the appropriate period may be made so as to come into operation on different days as respects vehicles first registered under either of the enactments mentioned in the said subsection (2) at different times.

Testing of  
condition  
of vehicles  
on roads.

3.—(1) Any authorised examiner may test a motor vehicle on a road for the purpose of ascertaining whether the requirements imposed by law (whether generally or at specified times or in specified circumstances) as to brakes, silencers, steering gear, tyres, and lighting equipment and reflectors are complied with as respects the vehicle, and of bringing to the notice of the driver any failure to comply with those requirements, and for the purpose of testing the vehicle the examiner may drive it:

Provided that a vehicle shall not be required to stop for a test except by a police constable in uniform.

(2) The following persons may act as authorised examiners for the purposes of this section, that is to say, any certifying officer or public service vehicle examiner appointed under Part IV of the Act of 1930, any person appointed as an examiner under the Road and Rail Traffic Act, 1933, or appointed to examine and inspect public carriages for the purposes of the Metropolitan Public Carriage Act, 1869, any person appointed to act for the purposes of this section by the Minister, and any police constable authorised so to act by or under instructions of the chief officer of police.

A person appointed as aforesaid shall produce his authority to act for the purposes of this section if required to do so.

(3) On the examiner proceeding to test a vehicle under this section, the driver may elect that the test shall be deferred to a time, and carried out at a place, fixed in accordance with the First Schedule to this Act, and the provisions of that Schedule shall apply accordingly:

Provided that—

- (a) where it appears to a police constable that, by reason of an accident having occurred owing to the presence of the vehicle on a road, it is requisite that a test should be carried out forthwith, he may require it to be so carried out and, if he is not to carry it out himself, may require that the vehicle shall not be taken away until the test has been carried out; and
- (b) where in the opinion of a police constable the vehicle is apparently so defective that it ought not to be allowed to proceed without a test being carried out, he may require the test to be carried out forthwith.

(4) If any person obstructs an authorised examiner acting under this section, or fails to comply with any requirement of this section or the First Schedule to this Act, he shall be liable on summary conviction to a fine not exceeding twenty pounds.

(5) In this section and in the First Schedule to this Act the expression “test” includes “inspect” or “inspection”, as the case may require, and references to a vehicle include references to any trailer drawn thereby.

4.—(1) Section one of the Act of 1934 (which provides for a general speed limit in built-up areas) shall have permanent effect, and accordingly subsection (10) of that section (which relates to the duration thereof) is hereby repealed. Amendments  
as to speed  
limit in  
built-up areas.

(2) A length of trunk road or of classified road shall not be deemed for the purposes of the Act of 1934 to be a road in a built-up area by reason only of the system of street lighting provided thereon if no relevant system of street lighting was provided thereon before the coming into operation of this subsection.

(3) As respects any length of road in a built-up area to which this subsection applies, subsection (1) of section one of the Act of 1934 shall have effect with the substitution for the limit of speed to be observed under that section of a limit of speed of forty miles per hour.

(4) The last foregoing subsection shall apply to any length of road to which it is applied by a direction given by the authority having power to give as respects that length of road a direction that it shall be deemed not to be a road in a built-up area, but the giving, revocation or variation thereof shall be subject to the like provisions as the giving, revocation or variation by that authority of such a direction as is last mentioned.

(5) The provisions of subsections (3) and (4) of this section shall not take effect until an order by statutory instrument appointing a day for such subsections to come into operation has been approved by a resolution of each House of Parliament:

Provided that no such order shall be made before the Minister has reported to each House of Parliament the views of the Departmental Road Safety Committee on the results of the experimental introduction of a forty miles per hour speed limit in the London Traffic Area.

(6) Subsection (3) of section one of the Act of 1934 (which gives power, by order approved by Parliament, to increase or reduce the general speed limit in built-up areas) shall apply in relation to subsection (3) of this section, and in subsection (7) of the said section one (which relates to traffic signs), in paragraph (a), for the words from "the places" to the end of the paragraph there shall be substituted the words "whether a length of road is or is not deemed to be a road in a built-up area and what limit of speed is to be observed where a length of road is deemed to be such a road; and".

(7) Where no relevant system of street lighting is provided on any length of road but that length of road is deemed to be a road in a built-up area, a person shall not be convicted of an offence under section ten of the Act of 1930 committed on that length of road in contravention of section one of the Act of 1934 unless the fact that it is deemed to be such a road is indicated by means of such traffic signs as are mentioned in the said subsection (7).

(8) In any proceedings for an offence under section ten of the Act of 1930 committed in contravention of section one of the Act of 1934, being proceedings relating to driving on a length of road provided with a relevant system of street lighting, evidence of the absence of derestriction signs shall be evidence of the length of road being deemed to be a road in a built-up area.

(9) In any proceedings for an offence under the said section ten committed in contravention of the said section one—

(a) a certificate of an officer of the highway authority for any road stating whether a relevant system of street lighting was provided on any length of that road before the coming into operation of subsection (2) of this section ; and

(b) a certificate of an officer of the Minister, or, in Scotland, of the Secretary of State that any road is or is not a trunk road or a classified road,

shall be evidence of the facts certified ; and a document purporting to be such a certificate and to be signed by such an officer as is mentioned in paragraph (a) or (b) of this subsection shall be deemed to be such a certificate unless the contrary is shown.

(10) In this section the expression “classified road” means a road classified by the Minister or the Secretary of State under the Ministry of Transport Act, 1919 in Class I or Class II or in any class declared by him to be not inferior to those classes, the expression “derestriction sign” means a traffic sign displayed in pursuance of subsection (7) of section one of the Act of 1934 to indicate that the length of road is to be deemed not to be in a built-up area, and the expression “relevant system of street lighting” means a system of street lighting furnished by lamps placed two hundred yards or less apart.

Road-safety  
information  
and road  
training.

5.—(1) The Minister or, in relation to Scotland, the Secretary of State or the Minister may with the approval of the Treasury provide for promoting road safety by disseminating information or advice relating to the use of roads.

(2) A local authority shall have power to make arrangements for the purposes of the last foregoing subsection or for giving practical training to road users or any class or description of road users, and to make contributions towards the cost of arrangements for the like purposes made by other authorities or bodies ; and the Minister or, in relation to Scotland, the Secretary of State or the Minister may with the approval of the Treasury make contributions towards the cost of any such arrangements as are mentioned in this subsection.

(3) Where, not less than two months before the beginning of any financial year, the Minister on an examination of arrangements proposed to be made under the last foregoing subsection by a local authority in England or Wales, not being the council

of a county or county or metropolitan borough, is satisfied that arrangements so made are likely to be effective and notifies the local authority that he is so satisfied, then, from the beginning of that year until a notification by the Minister to the local authority that he is no longer so satisfied takes effect, the expenditure of the county council in respect of the cost of arrangements, or of contributions, made by the county council under the last foregoing subsection shall not be chargeable on the area of the first-mentioned authority.

A notification by the Minister that he is no longer satisfied as aforesaid shall take effect at the end of the financial year in which it is given or, if it is given during the last two months of a financial year, at the end of the next following financial year.

(4) The provisions of the Second Schedule to this Act shall have effect for authorising the payment of travelling and other allowances, and grants in respect thereof, in connection with arrangements made by a local authority under subsection (2) of this section.

(5) In this section the expression "local authority" means—

(a) as respects England and Wales, the council of a county, a borough or an urban district, or the Common Council of the City of London,

(b) as respects Scotland, a county council or town council.

6.—(1) In paragraph (c) of subsection (1) of section fifty-nine of the Act of 1930, as amended by section twenty-two of the Act of 1934 (which paragraph empowers the Minister or the Secretary of State by regulations to provide among other things for the removal from roads, and safe custody, of vehicles which have been allowed to remain at rest on a road so as to be likely to cause danger to other persons using the road or to appear to have been abandoned), after the words "a road" there shall be inserted the words "in contravention of any statutory prohibition or restriction or" and after the word "custody" there shall be inserted the words "or for the moving from one position on a road to another position on that or another road", and for the words "or to" there shall be substituted the words "or as to cause obstruction to such persons or as to". Amendment of s. 59 (1) of Act of 1930.

(2) In subsection (3) of the said section fifty-nine (which provides for the recovery of expenses incurred in the execution of duties imposed by such regulations as aforesaid) for the word "incurred" there shall be substituted the words "reasonably incurred".

7.—(1) At the end of subsection (1) of section eight of the Act of 1934 (which prohibits the sale or supply of vehicles for delivery in a condition in which their use on a road would be unlawful by virtue of section three of the Act of 1930) there shall be added the words "or by virtue of any provision made as Amendment of s. 8 of Act of 1934.

respects brakes, steering gear or tyres by regulations under section thirty of that Act, or in such a condition, as respects lighting equipment or reflectors or the maintenance thereof, that it is not capable of being used on a road during the hours of darkness without contravention of the requirements imposed by law as to obligatory lamps or reflectors”.

(2) At the end of subsection (4) of the said section eight (which affords a defence in proceedings for an offence under that section) there shall be added the following words “ or, in the case of a vehicle or trailer the sale, supply or offer of which is alleged to be unlawful by reason of its condition as respects lighting equipment or reflectors or the maintenance thereof, would not be so used during the hours of darkness until it had been put into a condition in which it might be so used during those hours without contravention of the requirements imposed by law as to obligatory lamps or reflectors ”.

(3) At the end of the said section eight there shall be added the following subsections—

“ (5) Nothing in the preceding provisions of this section shall affect the validity of any contract or any rights arising under a contract.

(6) In this section ‘ obligatory lamps or reflectors ’ means, in relation to a motor vehicle or trailer, the lamps or reflectors required by law to be carried thereon while it is on a road during the hours of darkness and when it is neither drawing nor being drawn by another vehicle, except that the said expression does not, in the case of a trailer, include lamps showing a white light to the front ”.

Causing death  
by reckless or  
dangerous  
driving of  
motor vehicles.

8.—(1) Any person who causes the death of another person by the driving of a motor vehicle on a road recklessly, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition and use of the road, and the amount of traffic which is actually at the time, or which might reasonably be expected to be, on the road, shall be liable on conviction on indictment to imprisonment for a term not exceeding five years.

(2) An offence against this section shall not be triable by quarter sessions; and nothing in the last foregoing subsection shall be construed as empowering a court in Scotland, other than the High Court of Justiciary, to pass for any such offence a sentence of imprisonment for a term exceeding two years.

(3) Section twenty of the Coroners (Amendment) Act, 1926 (which makes special provision where the coroner is informed before the jury have given their verdict that some person has been charged with one of the offences specified in that section) shall apply to an offence against this section as it applies to manslaughter.



(4) If upon the trial of a person for an offence against this section the jury are not satisfied that his driving was the cause of the death but are satisfied that he is guilty of driving as mentioned in subsection (1) of this section, it shall be lawful for them to convict him of an offence under section eleven of the Act of 1930, whether or not the requirements of section twenty-one of that Act (which relates to notice of prosecutions) have been satisfied as respects that offence.

9.—(1) Any person who when in charge of a motor vehicle which is on a road or other public place, but not driving the vehicle, is unfit to drive shall be liable—

**Punishment of persons in charge of motor vehicles when under influence of drink or drugs.**

- (a) on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding four months, and in the case of a second or subsequent conviction either to a fine not exceeding one hundred pounds or to such imprisonment as aforesaid or to both such fine and imprisonment;
- (b) on conviction on indictment to imprisonment for a term not exceeding six months or to a fine or to both such imprisonment and a fine:

Provided that a person shall be deemed for the purposes of this section not to have been in charge of a motor vehicle if he proves—

- (i) that at the material time the circumstances were such that there was no likelihood of his driving the vehicle so long as he remained unfit to drive; and
- (ii) that between his becoming unfit to drive and the material time he had not driven the vehicle on a road or other public place.

In this subsection the expression “unfit to drive” means under the influence of drink or a drug to such an extent as to be incapable of having proper control of a motor vehicle.

(2) On a second or subsequent conviction of an offence under this section the offender shall, unless the court for special reasons thinks fit to order otherwise and without prejudice to the power of the court to order a longer period of disqualification, be disqualified for a period of twelve months from the date of the conviction for holding or obtaining a licence; and a person disqualified by virtue of a conviction under this section or of an order made thereunder for holding or obtaining a licence shall, for the purposes of Part I of the Act of 1930, be deemed to be disqualified by virtue of a conviction under the provisions of that Part.

(3) A person liable to be charged with an offence under this section shall not be liable to be charged under section twelve of the Licensing Act, 1872, with the offence of being drunk while in charge, on a highway or other public place, of a carriage.

(4) A police constable may arrest without warrant any person committing an offence under this section.

(5) Where a person convicted of an offence under this section has been previously convicted of an offence under section fifteen of the Act of 1930 otherwise than by virtue of section eleven of this Act, he shall be treated for the purposes of this section as having been previously convicted under this section.

(6) In subsection (1) of section fifteen of the Act of 1930 the words " or when in charge of " shall cease to have effect.

Variation of minimum age for driving motor cycles on roads.

**10.**—(1) The Minister may by regulations provide that section nine of the Act of 1930 (which imposes minimum ages for the driving of motor vehicles on roads) shall have effect in relation to motor cycles, or, if it is so prescribed by the regulations, in relation to motor cycles of any class or description so prescribed, as if for the minimum age for driving there were substituted such age (not being less than sixteen years) as may be so prescribed:

Provided that a person shall not be prohibited by virtue of regulations under this section from driving motor cycles of any class or description if at any time before the coming into force of the regulations he has held a licence comprising that class or description of motor cycles (other than a provisional licence) or if at the time of the coming into force of the regulations he holds a provisional licence, and for the purposes of this proviso " licence " means a licence to drive granted under Part I of the Act of 1930.

(2) In subsection (5) of the said section nine (which provides for treating a person as disqualified for holding or obtaining a licence if prohibited by reason of age from driving a motor vehicle of any class) after the word " class " there shall be inserted the words " or description ".

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

Application to pedal cyclists of provisions relating to certain driving offences.

**11.**—(1) The following enactments, that is to say—

- (a) subsection (1) of section eleven of the Act of 1930 (which penalises reckless and dangerous driving),
- (b) subsection (1) of section twelve of that Act (which penalises careless driving),
- (c) subsections (1) and (4) of section fifteen of that Act (which penalises driving under the influence of drink or a drug), but with the omission of the reference to attempting to drive,

- (d) section twenty of that Act (which confers powers to stop drivers and to obtain their names and addresses and to arrest them in certain cases), except so much of that section as relates to the production of licences,
  - (e) section twenty-one of that Act (which requires the giving of warnings of proposed prosecutions) in so far as it relates to offences against the said sections eleven and twelve, but with the omission of the reference to registered owners,
  - (f) section thirty-five of the Act of 1934 (which enables a charge of careless driving to be substituted on the hearing of a charge of reckless or dangerous driving),
- shall subject to the provisions of this section apply to persons riding bicycles and tricycles, not being motor vehicles, as they apply to the drivers of motor vehicles, and references in those enactments to motor vehicles, drivers and driving shall be construed accordingly.

(2) A person shall not be liable to be indicted by virtue of this section, and the maximum penalties which may be imposed on a conviction by virtue of this section for an offence under section eleven, twelve or fifteen of the Act of 1930 shall be as follows:—

- (a) in the case of a conviction under the said section eleven or fifteen, a fine of thirty pounds or, if the conviction is a second or subsequent conviction, a fine of thirty pounds or imprisonment for a term of three months;
  - (b) in the case of a conviction under the said section twelve, a fine of ten pounds or, if the conviction is a second or subsequent conviction, twenty pounds.
- (3) In determining whether a conviction under the said section eleven, twelve or fifteen is a second or subsequent conviction,—
- (a) where it is a conviction in connection with the driving of a motor vehicle any previous conviction by virtue of this section shall be disregarded,
  - (b) where it is a conviction by virtue of this section any previous conviction in connection with the driving of a motor vehicle shall be disregarded.

**12.**—(1) No person shall promote or take part in a trial of any description between motor vehicles on a footpath or bridleway unless the holding of the trial has been authorised under this section by the local authority.

Control of use of footpaths and bridleways for motor vehicle trials

(2) A local authority shall not give an authorisation under this section unless satisfied that consent in writing to the use of any length of footpath or bridleway for the purposes of the trial has

been given by the owner and by the occupier of the land over which that length of footpath or bridleway runs, and any such authorisation may be given subject to compliance with such conditions as the authority think fit.

(3) Any person who contravenes subsection (1) of this section, or fails to comply with any conditions subject to which an authorisation under this section has been granted, shall be liable on summary conviction to a fine not exceeding fifty pounds.

(4) No statutory provision prohibiting or restricting the use of footpaths or bridleways, or any specified footpath or bridleway, shall affect the holding of any trial authorised under this section; but this section shall not prejudice any right or remedy of a person as having an interest in any land.

(5) In this section the expression "local authority" means the council of a county or county borough, or in Scotland a county council or town council:

Provided that in relation to a footpath or bridleway in England or Wales for which the council of a borough, not being a county borough, or of an urban district is the highway authority, the said expression means that council.

Regulation of  
cycle racing  
on highways.

13.—(1) Any person who promotes or takes part in a race or trial of speed on a public highway between bicycles or tricycles, not being motor vehicles, shall, unless the race or trial is authorised, and is conducted in accordance with any conditions imposed, by or under regulations under this section, be liable on summary conviction to a fine not exceeding ten pounds.

(2) The Minister, or, in relation to Scotland, the Secretary of State may by regulations authorise, or provide for authorising, for the purposes of the foregoing subsection the holding on a public highway of races or trials of speed of any class or description, or a particular race or trial of speed, in such cases as may be prescribed and subject to such conditions as may be imposed by or under the regulations, and may prescribe the procedure to be followed, and the particulars to be given, in connection with applications for authorisation under the regulations, and regulations under this section may make different provision for different classes or descriptions of races and trials.

(3) Without prejudice to any other powers exercisable in that behalf, the chief officer of police may give such directions with respect to the movement of, or the route to be followed by, vehicular traffic, during such period, as may be necessary or expedient to prevent or mitigate congestion or obstruction of traffic, or danger to or from traffic, in consequence of the holding of a race or trial of speed authorised by or under regulations

under this section, including a direction that any road or part of a road specified in the direction shall be closed during any such period to vehicles or to vehicles of a class or description so specified, and section thirty-seven of this Act shall apply in relation to directions given under this section as it applies in relation to the directions therein mentioned.

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

(5) In this section the expression "public highway" does not include a footpath or bridleway.

14.—(1) Where a police constable in uniform is for the time being engaged in the regulation of vehicular traffic in a road, any person on foot who proceeds across or along the carriageway in contravention of a direction to stop given by the constable, in the execution of his duty, either to persons on foot or to persons on foot and other traffic, shall be guilty of an offence and liable on summary conviction to a fine not exceeding ten pounds, or in the case of a second or subsequent conviction to a fine not exceeding twenty-five pounds.

Duty of pedestrians to comply with traffic directions given by constables.

(2) A constable may require any person committing an offence against the last foregoing subsection to give his name and address, and if that person fails to do so he shall be guilty of an offence against this subsection and liable on summary conviction to a fine not exceeding five pounds.

15.—(1) Any person who causes or permits a dog to be on any designated road without the dog being held on a lead shall be liable on summary conviction to a fine not exceeding five pounds.

Control of dogs on roads.

(2) In this section the expression "designated road" means a length of road specified by an order in that behalf of the local authority in whose area the length of road is situated.

(3) An order under this section may provide that subsection (1) thereof shall apply subject to such limitations or exceptions as may be specified in the order, and (without prejudice to the generality of this subsection) the said subsection (1) shall not apply to dogs proved to be kept for driving or tending sheep or cattle in the course of a trade or business, or to have been at the material time in use under proper control for sporting purposes.

(4) An order under this section shall not be made except after consultation with the chief officer of police, and shall not have effect unless confirmed by the Minister, or in Scotland the

Secretary of State; and subsections (3) to (8) of section two hundred and fifty of the Local Government Act, 1933, or in Scotland subsections (4), (5), (7) and (11) to (13) of section three hundred and one of the Local Government (Scotland) Act, 1947, shall apply to orders under this section and the confirmation thereof as they apply to byelaws and the confirmation thereof.

(5) In England or Wales a local authority may institute proceedings for any offence under this section relating to a road in their area.

(6) In this section the expression "local authority" means the council of a county borough or county district, the Common Council of the City of London or the council of a metropolitan borough, or in Scotland a county council or a town council.

Amendments  
as to  
exemption  
from driving  
test.

16.—(1) Paragraph (b) of subsection (1) of section six of the Act of 1934 (which enables an applicant who held a licence before nineteen hundred and thirty-four to obtain a licence without passing a driving test) shall cease to have effect.

(2) In paragraph (a) of the said subsection (1) (which makes it a condition of the granting of a licence that the applicant satisfies the licensing authority that he has at some time passed the prescribed test) for the words "at some time" there shall be substituted the words "during the period of ten years ending on the date of coming into force of the licence applied for".

(3) The said subsection (1) shall not apply to an applicant for a licence authorising the driving of vehicles of any class or description who satisfies the licensing authority that within the period of ten years ending on the date of coming into force of the licence applied for he has held a licence authorising the driving of vehicles of that class or description, not being a licence granted by virtue of subsection (7) of section six of the Act of 1934 (which empowers the Minister to make regulations dispensing with the need to pass a test where the applicant is not resident in Great Britain).

(4) In this section the expression "licence" means a licence under Part I of the Act of 1930 other than a provisional licence.

Amendments  
as to groups  
of vehicles  
covered by  
driving tests.

17.—(1) The classes or descriptions of vehicles in relation to which, for the purpose of granting a licence by virtue of the passing of a prescribed test of competence to drive, the test shall be treated as having been the prescribed test shall include not only any class or description for which the test was the prescribed test when it was passed but also—

(a) if the test was passed before the coming into operation of this section, any other class or description for which the test was sufficient at the coming into operation of this section,

- (b) whenever the test was passed, any other class or description for which, by virtue of regulations under subsection (5) of section six of the Act of 1934, the test, or any other test declared by such regulations to be equivalent thereto, was sufficient at the time of the application for the licence, being a class or description to which this paragraph is applied by such regulations,
- (c) whenever the test was passed, any other class or description which by virtue of this section has been comprised in a licence previously granted to the applicant.

(2) A person who has been granted a licence to drive vehicles of any class or description by virtue of subsection (1) of section two of the Road Traffic (Driving Licences) Act, 1947 (which conferred rights on persons who had held provisional licences under emergency provisions to be granted licences to drive without passing a test) shall for the purposes of this section be treated as if he had, immediately before he was first so granted such a licence, passed the test sufficient at that time for that class or description of vehicles.

(3) Where the holder of a licence under Part I of the Act of 1930 surrenders it and applies under section four of the Act of 1930 for a new licence, then if by virtue of this section he is entitled to the grant of a licence comprising any class or description of vehicles not comprised in the surrendered licence, he shall, if he so requires, be granted a new licence on payment of a reduced fee of two shillings and sixpence; but a licence granted on payment of the reduced fee shall continue in force only for the period for which the surrendered licence would have continued if not surrendered.

(4) In this section the expression "licence" means a licence to drive granted under Part I of the Act of 1930, and references in this section to a test sufficient at any time for a class or description of vehicles are references to a test which at that time was the prescribed test therefor or the passing of which authorised the granting at that time of a licence comprising that class or description.

18.—(1) Where application is made to a licensing authority for the grant under subsection (3) of section five of the Act of 1930 of a provisional licence with a view to the passing of a test under the said section five or under section six of the Act of 1934, then if the applicant holds a provisional licence or has held one during the period of twelve months ending on the date of coming into force of the licence applied for, and has held a previous provisional licence within the period of twelve months ending on the date of coming into force of the last provisional

Amendments  
as to  
provisional  
driving  
licences.

licence held by him, the licensing authority may refuse to grant the licence applied for unless either—

- (a) the applicant has submitted himself to such a test as aforesaid during the currency of the last provisional licence held by him, or
- (b) he satisfies the licensing authority that he has reasonable cause for not having done so,

and (in either case) before the date of the application for the licence he has applied to submit himself to such a test to be taken within six months after the date of the application for the licence.

(2) In the said subsection (3) (which provides for the grant, on payment of a fee of five shillings, of provisional licences to drive for a period of three months) for the words “ a fee of five shillings ” there shall be substituted the words “ such fee not exceeding ten shillings as may be prescribed ” and for the word “ three ” there shall be substituted the word “ six ”.

#### *Provision of parking places*

Provision of parking places where charges made.

19.—(1) The Minister may by order made on the application of the local authority in accordance with the provisions of Part I of the Third Schedule to this Act designate parking places on highways in the Metropolitan Police District or the City of London for vehicles or vehicles of any class or description specified in the order, and the local authority may make charges for vehicles left in any parking place so designated of such amount as is hereinafter specified.

(2) In determining what parking places are to be designated under this section the Minister shall consider both the interests of traffic and those of the owners and occupiers of adjoining property, and in particular the matters to which he shall have regard shall include—

- (a) the need for maintaining the free movement of traffic, and
- (b) the need for maintaining reasonable access to premises, and
- (c) the extent to which parking accommodation (whether open or covered) otherwise than on highways is available in the neighbourhood or the provision thereof is likely to be encouraged there by the designation of parking places under this section.

(3) The exercise by a local authority of its functions under this section shall not render the authority subject to any liability in respect of the loss of or damage to any vehicle in a parking place or the contents or fittings of any such vehicle.



(4) In this and the four next following sections the expression "local authority" means the council of a county borough or county district, the Common Council of the City of London or the council of a metropolitan borough, and the expression "the local authority", in relation to a parking place or proposed parking place on any site, means that one of the said councils in whose area the site is:

Provided that in the case of a site in a metropolitan borough—

- (a) an application for an order under subsection (1) of this section may be made by the London County Council, and references in the Third Schedule to this Act to a local authority shall be construed accordingly;
- (b) subject to the next following paragraph, the London County Council shall be the local authority if the parking place is designated by an order made on their application;
- (c) at any time after the making of an order designating a parking place the council of the metropolitan borough and the London County Council may apply to the Minister for an order directing that such one of the councils as is not the local authority shall become the local authority for that parking place, and the Minister may, if he thinks fit, make an order accordingly.

(5) If it appears to the Minister that it is expedient for the purposes of this section that, with a view to experiment or demonstration, parking places on highways should be designated at any sites in the Metropolitan Police District or the City of London, and that no application under this section for the designation thereof is forthcoming, the Minister may by order made in accordance with the provisions of Part II of the Third Schedule to this Act designate those parking places for vehicles or vehicles of any class or description specified in the order, and may make charges for vehicles left in any parking place so designated of such amount as is hereinafter specified; and—

- (a) in relation to parking places designated by virtue of this subsection references in subsection (3) of this section and in the two next following sections to the local authority shall be construed as references to the Minister;
- (b) if the Minister, with the consent of the Treasury, enters into an agreement with the local authority or the London County Council for the transfer to the authority or Council of the operation of the parking place, the operation thereof, and such apparatus or other things held by, and rights or liabilities of, the Minister in connection with the parking place as may be specified

in the agreement, shall be transferred as from such date and on such terms (including terms as to the making of payments to or by the Minister) as may be so specified ;

- (c) from the taking effect of any such transfer of the operation of a parking place the order designating the parking place shall have effect subject to such modifications (if any) as the Minister may direct, being amendments appearing to him requisite in consequence of the transfer, and the provisions of this Act relating to parking places and to the variation and revocation of orders shall thereafter apply as if the parking place had been designated by order made on the application of the council to which the transfer is made.

(6) An order under the last foregoing subsection shall not continue in force for longer than two years from the coming into operation thereof together with such further period (if any) not exceeding twelve months as the Minister may by order made at any time before the expiration of the order under the last foregoing subsection prescribe :

Provided that this subsection shall cease to have effect as respects any parking place on the making in relation thereto of an agreement under paragraph (b) of the last foregoing subsection.

(7) The Minister may by order provide that subsection (1) of this section shall apply to any such area in England or Wales, in addition to the Metropolitan Police District and the City of London, as may be specified in the order.

(8) The Secretary of State may by order provide that subsection (1) of this section shall apply to any such area in Scotland as may be specified in the order ; and as respects any such area—

(a) references to the Minister in the provisions of this Act relating to parking places shall be construed as references to the Secretary of State ;

(b) the expression “ local authority ” in the said provisions means a county council or a town council.

(9) Nothing in this section or an order under subsection (7) or (8) of this section shall affect the operation of section ten of the London Traffic Act, 1924, section sixty-eight of the Public Health Act, 1925, or section one hundred and twenty of the Act of 1930 (which relate to the designation of parking places).

**20.**—(1) The amount of the charge for a vehicle left in a parking place designated under this Act shall be calculated as follows.

Amount of charges for parking and method of payment.

(2) There shall be a prescribed standard period for each parking place, and subject as hereinafter provided the amount of the charge for a vehicle left in the parking place for a time not exceeding the standard period (hereinafter referred to as the "initial charge") shall be such amount (hereinafter referred to as the "standard amount") as may be prescribed, and the initial charge shall be payable on the leaving of the vehicle in the parking place:

Provided that—

- (a) if it is so prescribed, the initial charge for a vehicle left for a time not exceeding one half of the standard period shall be one half of the standard amount, and
- (b) where the last foregoing paragraph has effect, and it is further so prescribed, then if before the end of the prescribed time a further payment of one half of the standard amount is made the two payments shall be treated as a single payment of an initial charge of the standard amount made on the leaving of the vehicle.

(3) If a vehicle is left in the parking place for longer than the period for which payment was made by the initial charge, the amount of the charge shall be the amount of the initial charge together with such additional amount (hereinafter referred to as the "excess charge") as may be prescribed, and the excess charge shall be payable in such manner and at such time as may be prescribed.

(4) If it is so provided in the order designating the parking place, there shall be apparatus of the prescribed description for indicating in the prescribed manner, as respects each space provided for the leaving of vehicles, whether the initial charge has been paid and whether the period for which payment was made by the initial charge has expired; and—

- (a) payment of the initial charge shall be made by the insertion of coins in the apparatus and the doing of any other thing prescribed for the purpose of operating the apparatus;
- (b) subject to the next following paragraph, if at any time while a vehicle is left in the parking place the apparatus relating to the space in which it is left gives the prescribed indication, it shall be presumed unless the contrary is proved that the initial charge has been duly paid and that the period for which payment was made by the initial charge has already expired;
- (c) if it is proved that the time for which the vehicle has been left in the parking place is less than the standard period, or, where paragraph (a) of the proviso to subsection (2) of this section has effect, less than half the

Z\*

standard period, paragraph (b) of this subsection shall not have effect but it shall be presumed unless the contrary is proved that the initial charge has not been duly paid for the vehicle.

(5) Where no such apparatus is in use, the order designating a parking place may provide that the initial charge shall be payable on the vehicle being taken away from the parking place, and where such provision is made subsection (3) of this section shall apply with the substitution, for the reference to the period for which payment was made by the initial charge, of a reference to the standard period.

(6) An order under this Act designating a parking place may prescribe that the following provisions shall have effect in relation thereto in substitution for the four last foregoing subsections, that is to say—

- (a) the amount of the charge for a vehicle left in the parking place at any period of the day prescribed by the order shall be such amount as may be so prescribed, irrespective of the time for which the vehicle is left ;
- (b) the charge shall be payable either on the leaving of the vehicle or on its being taken away, as may be prescribed ;
- (c) if it is so prescribed, the charge shall be payable by the insertion of coins in an apparatus provided for the purpose of such description as may be prescribed and the doing of any other thing prescribed for the purpose of operating the apparatus, and, unless the contrary is proved, the charge shall be taken to have been duly paid or not to have been duly paid as may be indicated by the apparatus in the prescribed manner.

(7) Any such apparatus as is mentioned in subsection (4) or (6) of this section is hereinafter referred to as a parking meter.

(8) Where provision is made for the use of parking meters it shall be the duty of the local authority to take the prescribed steps for the periodical inspection of the meters and for dealing with any found to be out of order, and for securing the testing of the meters (both before they are brought into use and not less frequently thereafter than may be prescribed or on other prescribed occasions), and for recording in the prescribed manner the date on which and persons by whom a meter has been tested.

General provisions for regulation of parking places.

**21.—**(1) An order under this Act designating a parking place shall specify whether the parking place may be used for the leaving of vehicles at all times or between such hours only as may be specified in the order, and may provide that the parking

place may be used only during a specified period of the year, or may not be used on specified days, or may be used only on such days as may be specified ; and—

- (a) as respects any time during which provision is not made by the order for the leaving of vehicles in the parking place, it shall be treated for the purposes of the last foregoing and next following sections as if it were not designated under this Act, without prejudice, however, to any proceedings for an offence otherwise than under the next following section ;
- (b) where a vehicle, having been left in the parking place, remains there at the beginning of any period during which the leaving of vehicles in the parking place is authorised under this Act, then without prejudice to any rights accrued or liabilities incurred in respect of anything previously done or omitted the vehicle shall be treated for the purposes of the last foregoing and next following sections as if it had been left in the parking place at the beginning of that period.

(2) Such an order as aforesaid may revoke the designation of any place as a parking place under any of the Acts specified in subsection (9) of section nineteen of this Act, and such an order as aforesaid, or an order or regulation containing such a designation, may provide that the designation shall not have effect as respects any time during which provision is made under this Act for the leaving of vehicles in that place.

(3) Such an order as aforesaid may contain provision for determining by or under the order the positions in which vehicles left in a parking place shall stand in, and the manner in which such vehicles shall be driven into or out of, the parking place, may prohibit or restrict the waiting in a parking place, whether in the said positions or elsewhere, of other vehicles, and may contain provision for determining as aforesaid the positions in which other vehicles permitted by the order to wait in the parking place, or to wait there for any purpose specified in the order, shall wait there.

(4) Such an order as aforesaid may exempt from the payment of any charge vehicles left in the parking place in such circumstances as may be specified in the order, subject however to any conditions so specified.

(5) The Minister may by order provide that the time for which a vehicle may be left in a parking place designated under this Act after the excess charge has been incurred shall not exceed such time as may be prescribed ; but any such provision of an order shall be without prejudice to the liability to the excess charge.

(6) The Minister may, as respects parking places designated as aforesaid for which there is a prescribed standard period, by order provide that a vehicle which has been taken away from the place where it was left in any such parking place shall not again be left in that parking place until after the expiration of such interval as may be prescribed.

(7) The Minister may by order empower the local authority, the chief officer of police, or any other person specified by or under the order, to provide for the moving, in case of emergency, of vehicles left in a parking place, to suspend the use of a parking place or any part thereof on such occasions or in such circumstances as may be determined by or under the order, and to provide for the temporary removal of any parking meters installed at a parking place.

(8) The Minister may by order make such incidental or consequential provision as appears to him requisite for the purposes of the satisfactory operation of parking places designated under this Act, including in particular (but without prejudice to the generality of this subsection) provision—

- (a) for prohibiting or restricting the carrying on of trades or other activities, or the doing of any other thing, at the parking places,
- (b) for altering the position in a parking place of vehicles left there in contravention of the provisions of an order of the Minister as to the manner in which vehicles shall stand therein, and for the removal from parking places, and safe custody, of vehicles left there in contravention of the provisions of such an order and the recovery of the cost of removal and safe custody,
- (c) as respects any parking place for which there is a prescribed standard period, for preventing the postponement, by the insertion of additional coins in a parking meter, of the indication of the time after which the excess charge is incurred,
- (d) for conferring on the local authority powers of acquiring (whether by purchase or hiring) and installing parking meters, of illuminating parking places, and of erecting notices or signs and carrying out work on or in the vicinity of a parking place.

22.—(1) Any person who—

- (a) being the driver of a vehicle, leaves the vehicle in a parking place designated under this Act otherwise than as authorised by an order thereunder or leaves the vehicle therein for longer after the excess charge has been incurred than the time prescribed under subsection (5) of the last foregoing section, or fails duly to pay any charge payable under section nineteen of this

Offences relating to parking places.

Act, or contravenes or fails to comply with any provision of an order relating to the parking place as to the manner in which vehicles shall stand in, or be driven into or out of, the parking place, or

- (b) whether being the driver of a vehicle or not, otherwise contravenes or fails to comply with any order of the Minister under this Act relating to a parking place,

shall be liable on summary conviction to a fine not exceeding five pounds or in the case of a second or subsequent offence to a fine not exceeding ten pounds.

(2) In relation to an offence under paragraph (a) of the last foregoing subsection of leaving a vehicle for longer after the excess charge has been incurred than the time prescribed under subsection (5) of the last foregoing section, or failing duly to pay any charge payable under section nineteen of this Act, the reference in the said paragraph (a) to the driver of a vehicle shall be construed as references to the person driving the vehicle at the time it was left in the parking place.

(3) Any person who, with intent to defraud, interferes with any parking meter or operates or attempts to operate a parking meter by the insertion of objects other than current coins of the appropriate denomination shall be liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

(4) Where, in any proceedings in England and Wales for an offence under this section of failing to pay any charge, it is proved that the amount which has become due, or any part of that amount, has not been duly paid, the court shall order the payment of the sum not paid, and any sum ordered to be paid by virtue of this subsection shall be recoverable as a penalty.

(5) In any proceedings for an offence under this section it shall be assumed, unless the contrary is shown, that any apparatus provided in a parking place, being an apparatus operated by the insertion of coins, is of the prescribed description.

(6) Where in any proceedings for an offence under this section of failing to pay an excess charge it is not proved that the excess charge had become due, but is proved that the initial charge has not been paid, the defendant may be convicted of an offence under this section of failing to pay the initial charge.

(7) In England or Wales a local authority may institute proceedings for any offence under this section in connection with a parking place for which they are the local authority.

**23.—(1)** A local authority shall keep an account of their income and expenditure in respect of parking places designated under this Act for which they are the local authority. **Parking places: financial provisions.**

(2) At the end of each financial year any deficit in the account shall be made good out of the general rate fund and any surplus shall be applied for all or any of the purposes specified in the next following subsection, and in so far as not so applied shall be appropriated to the carrying out of some specific project falling within those purposes and carried forward until applied to the carrying out thereof :

Provided that if the local authority so determine, any amount not applied in any financial year may instead of being or remaining appropriated as aforesaid be carried forward in the account kept under subsection (1) of this section to the next financial year, but shall not be carried forward from one quadrennial period to another without the consent of the Minister.

(3) The said purposes are the following, that is to say:—

- (a) the making good to the general rate fund of any amounts charged to that fund under the last foregoing subsection in the four years immediately preceding the financial year in question ;
- (b) meeting all or any part of the cost of the provision and maintenance by the local authority of parking accommodation for vehicles otherwise than on highways and whether in the open or under cover ;
- (c) the making to other local authorities, to any county council, or, with the consent of the Minister, to other persons, of contributions towards the cost of the provision and maintenance by them in the area of the local authority or elsewhere of parking accommodation for vehicles otherwise than on highways and whether in the open or under cover.

(4) This section shall apply to the London County Council and the Common Council of the City of London with the substitution for references to the general rate fund of references respectively to the county fund and the general rate of the City.

(5) In this section the expression “quadrennial period” means, in relation to a local authority, a period beginning with the date when the local authority first keep the account required by subsection (1) of this section and ending with the fourth complete financial year after that date, or a period of four years beginning immediately after the expiration of a quadrennial period.

**Parking places: supplementary provisions.** 24.—(1) In the provisions of this Act relating to parking places the expression “prescribed” means prescribed by order of the Minister.

(2) Anything authorised or required by the said provisions to be prescribed or to be done by order of the Minister may, save



as otherwise expressly required, be prescribed or done either by an order designating a parking place or by a general order.

(3) Any power to make an order conferred by the provisions of this Act relating to parking places shall be exercisable by statutory instrument.

(4) An order under subsection (7) or (8) of section nineteen of this Act shall not have effect unless approved by resolution of each House of Parliament.

(5) A statutory instrument embodying any order under the provisions of this Act relating to parking places other than subsections (7) and (8) of section nineteen of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

**25.** Regulations under section two of the Parks Regulation (Amendment) Act, 1926, may make provision for imposing and recovering charges for the leaving of vehicles, or vehicles of any class or description, in any park to which that Act applies; and regulations made by virtue of this section may make, as respects charges and penalties recoverable under the regulations, provision corresponding with the provisions of subsection (4) of section twenty-two of this Act.

Charges for parking vehicles in Royal Parks.

#### *Provisions as to enforcement*

**26.—**(1) The following provisions shall have effect as respects penalties and disqualifications which a person is liable to incur on a conviction for an offence under section eleven (reckless or dangerous driving), section twelve (careless driving) or section fifteen (driving under the influence of drink or a drug) of the Act of 1930 in connection with the driving of a motor vehicle, that is to say:—

Penalties and disqualifications.

- (a) a fine imposed on summary conviction for a first offence under the said section eleven may be of an amount not exceeding one hundred pounds and may be imposed in addition to any imprisonment awarded by the court, and any imprisonment awarded on summary conviction for a second or subsequent offence under that section may be for a term not exceeding six months;
- (b) the disqualification required to be imposed by subsection (3) of the said section eleven (which requires the court, except in special circumstances, to impose a disqualification on a second or subsequent conviction for an offence under that section) shall be for a period of not less than nine months unless more than three years have elapsed since the offender's last conviction under that section;

- (c) a fine imposed on a first conviction for an offence under the said section twelve may be of an amount not exceeding forty pounds and a fine imposed on a second conviction for such an offence may be of an amount not exceeding eighty pounds and may be imposed in addition to any imprisonment awarded by the court, and subsection (2) of that section (which limits the period for which the court may disqualify an offender on a first or second conviction) shall not apply to a second conviction ;
- (d) a fine imposed on summary conviction for a first offence under the said section fifteen may be of an amount not exceeding one hundred pounds and may be imposed in addition to any imprisonment awarded by the court, and the imprisonment awarded on summary conviction for a second or subsequent offence under that section may be for a term not exceeding six months ; and any imprisonment awarded on a conviction on indictment for an offence under that section may be for a term not exceeding two years ;

and a fine imposed on a conviction for contravening an order made under the powers conferred by subsection (2) of section forty-six of the Act of 1930 (under which orders may be made prohibiting or restricting the use of vehicles on specified roads) may be of an amount not exceeding in the case of a first conviction twenty pounds and in the case of a second or subsequent conviction fifty pounds.

(2) In subsection (1) of section six of the Act of 1930 (which provides for disqualifications for holding a licence, and for the endorsement of licences, on conviction of criminal offences in connection with the driving of a motor vehicle, other than offences under Part IV of that Act) for the reference to any such offence as aforesaid there shall be substituted a reference to the offences specified in the Fourth Schedule to this Act.

(3) Without prejudice to the powers conferred by the said subsection (1), so much of the Act of 1930 as provides that a person convicted of an offence shall be, or shall be ordered to be, disqualified for holding or obtaining a licence shall not apply to a person convicted of aiding, abetting, counselling or procuring, or inciting to, the commission of the offence.

(4) Subsection (3) of section six of the Act of 1934 (which empowers a court, on the conviction of a person for an offence of reckless, dangerous or careless driving, to order that he be disqualified from driving until he has passed a driving test) shall apply to offences under section fifteen of the Act of 1930 (which relates to driving under the influence of drink or a drug) committed in respect of motor vehicles.

27.—(1) No application shall be made under subsection (3) of section seven of the Act of 1930 for the removal of a disqualification before the expiration of whichever is relevant of the following periods from the date of the conviction, or order made in consequence of a conviction, by virtue of which the disqualification was imposed, that is to say—

Duration of driving disqualifications.

- (a) six months, if the disqualification is for less than a year,
- (b) one half of the period of the disqualification, if it is for less than six years but not less than a year,
- (c) three years, in any other case.

(2) In determining the expiration of the period for which a person is disqualified by virtue of a conviction under the Act of 1930 or by an order made in consequence of such a conviction, or after which under the last foregoing subsection a person may apply for the removal of such a disqualification, any time after the conviction during which the disqualification was suspended or he was not disqualified shall be disregarded.

28. A person disqualified by virtue of a conviction under the Act of 1930 may appeal against the disqualification in the same manner as against a conviction, and the court by or before whom he was convicted may, if it thinks fit, pending the appeal suspend the disqualification.

Appeal against finding of no special reasons for not disqualifying.

29.—(1) A person charged with using a motor vehicle in contravention of section thirty-five of the Act of 1930 (which provides for compulsory third-party insurance) shall not be convicted if he proves that the vehicle did not belong to him and was not in his possession under a contract of hiring or of loan, that he was using the vehicle in the course of his employment and that he neither knew nor had reason to believe that there was not in force in relation to the vehicle such a policy of insurance or security as complied with the requirements of Part II of that Act.

Offences against s. 35 of Act of 1930.

(2) In subsection (2) of the said section thirty-five the words from “ and a person convicted ” to the end of the subsection shall cease to have effect.

(3) In section six of the Act of 1930 the proviso to subsection (1) (which empowers a court to limit a driving disqualification to the driving of a motor vehicle of the same class or description as the vehicle in which the offence was committed) shall cease to have effect.

30. Section twenty-one of the Act of 1930 (which provides that a person may not be convicted of excessive speed, reckless or dangerous driving, or careless driving unless either warned at the time of the possibility of his being prosecuted or within fourteen days thereafter either summoned for the offence or

Extension of provisions as to warning of intended prosecution.

notified that he is to be prosecuted) shall apply to offences under sections forty-nine and fifty of that Act (which relate respectively to failure to obey traffic directions or to conform with instructions given by traffic signs and to leaving vehicles on roads in dangerous positions).

Additional provisions as to production and surrender of driving licences, etc.

31.—(1) Where a person's licence to drive has been revoked under subsection (4) of section five of the Act of 1930 (which provides for the revocation of licences on grounds of safety) then if he fails to deliver the licence as required by that subsection a police constable may require him to produce it and may on production seize it and deliver it to the licensing authority for cancellation.

(2) Where a police constable has reasonable cause to believe that the person to whom a licence has been granted under Part I of the Act of 1930, or any other person, has knowingly made a false statement for the purpose of obtaining the grant of the licence, the constable may require the holder of the licence to produce it to him.

(3) If any person required under the foregoing provisions of this section to produce a licence fails to do so he shall be guilty of an offence and liable on summary conviction to a fine not exceeding five pounds:

Provided that if within five days after the production of his licence was so required he produces the licence in person at such police station as may have been specified by him at the time its production was required, he shall not be convicted of an offence under this subsection.

(4) Subsection (5) of section four and subsection (1) of section forty of the Act of 1930 (under which a person driving a motor vehicle on a road may be required by a police constable to produce his licence for examination and to give his name and address and the name and address of the owner of the vehicle and to produce his certificate of insurance or similar document) shall have effect as if the references therein to a person driving a motor vehicle included references to—

- (a) any person whom a police constable has reasonable cause to believe to have been the driver of a motor vehicle at a time when an accident occurred owing to its presence on a road ;
- (b) any person whom a police constable has reasonable cause to believe to have committed an offence in relation to the use of a motor vehicle on a road ; and
- (c) any person who accompanies the holder of a provisional licence granted under subsection (3) of section five of

the Act of 1930 while the holder is driving a motor vehicle on a road or whom a police constable has reasonable cause to believe to have accompanied the holder of such a licence while driving at a time when an accident occurred owing to the presence of the vehicle on a road or at a time when an offence is suspected of having been committed by the said holder in relation to the use of the vehicle on a road,

and, in relation to a vehicle to which section two of this Act applies, as if references to a certificate of insurance included references to a test certificate issued as mentioned in subsection (1) of that section :

Provided that the obligation to produce a certificate of insurance or similar document or a test certificate shall not apply to any such person as is specified in paragraph (c) of this subsection.

(5) Subsection (4) of section one hundred and twelve of the Act of 1930 (which provides for the seizure and disposal of documents in relation to which an offence has been committed under that section) shall apply in relation to a licence, certificate or other document produced in pursuance of this section as it applies in relation to documents produced in pursuance of the provisions of that Act.

32.—(1) Subsection (3) of section one hundred and thirteen of the Act of 1930 (which gives powers to obtain information as to the identity of the driver of a vehicle who is alleged to have committed an offence under that Act) shall apply to offences under the Road Transport Lighting Acts, 1927 to 1953, offences under the provisions of this Act relating to parking places, offences against regulations made under section ten of the London Traffic Act, 1924, and offences against any other enactment relating to the use of vehicles on roads, and subsection (2) of section forty-one of the Criminal Justice Act, 1948 (which provides for proof, in proceedings for certain traffic offences, of admissions as to the identity of the driver or owner of a vehicle) shall apply to any offence to which the said subsection (3) applies; and in the case of any offence under the provisions of this Act relating to parking places the power conferred by the said subsection (3) to require information shall be exercisable either by or on behalf of the chief officer of police or, in writing, by or on behalf of the local authority for the parking place in question.

Extension of  
s. 113 (3) of  
Act of 1930.

(2) References in the said subsection (3) to the driver of a vehicle shall include references to the person riding a bicycle or tricycle, not being a motor vehicle.

*Traffic Regulation*

Amendment  
of s. 46 of Act  
of 1930.

**33.—(1)** The powers conferred by subsection (2) of section forty-six of the Act of 1930 (which authorises the making of orders regulating traffic on roads) shall be exercisable as respects any road where it appears to the council or Minister exercising the power that it is expedient so to do—

- (a) for avoiding danger to persons or other traffic using the road or any other road, or
- (b) for preventing damage to the road or to any building on or near the road, or
- (c) for facilitating the passage of vehicular traffic on the road or any other road, or
- (d) for preventing the use of the road by vehicular traffic of a kind which, or the use thereof by such traffic in a manner which, is unsuitable having regard to the existing character of the road or adjoining property, or
- (e) without prejudice to the generality of the last foregoing paragraph, for preserving the character of the road in a case where it is specially suitable for use by persons on horseback or on foot,

and subsection (1) of the said section forty-six (which makes provision for prohibiting or restricting the driving of vehicles in the interests of safety) shall cease to have effect; but the repeal of that subsection shall not affect any order in force at the coming into operation of this section, and any such order so far as made, or having effect as if made, under the said subsection (1) shall have effect as if made under subsection (2) of the said section forty-six by virtue of this section.

(2) The provision which may be made by order under the said subsection (2) shall be any provision prohibiting, restricting or regulating the use of a road or any part of the width thereof by vehicular traffic or by such traffic of any class or description specified in the order, either generally or subject to exceptions so specified, and either at all times or at times, on days or during periods so specified, and, without prejudice to the generality of this subsection, any provision—

- (a) requiring such traffic to proceed in a specified direction or prohibiting its so proceeding,
- (b) specifying the part of the carriageway to be used by such traffic proceeding in a specified direction,
- (c) prohibiting or restricting the waiting of vehicles or the loading and unloading of vehicles,
- (d) prohibiting the use of roads by through traffic.

- (e) prohibiting or restricting overtaking,
- (f) regulating the speed of vehicles:

Provided that no prohibition or restriction on waiting imposed under the powers conferred by the said subsection (2) shall apply to any stage carriage or express carriage.

(3) An order made in the exercise of the said powers by any council to which the said section forty-six applies which contains no provision other than provision—

- (a) imposing any such requirement, prohibition or restriction as is specified in paragraph (a), (b) or (c) of the last foregoing subsection, or
- (b) prohibiting or restricting the use of footpaths or bridleways by bicycles and tricycles, or
- (c) revoking or varying any such requirement, prohibition or restriction,

shall not require confirmation by the Minister except where the next following subsection has effect:

Provided that—

- (i) this subsection shall not apply to any trunk road ; and
- (ii) where before the coming into operation of this section an order has been submitted to the Minister for confirmation but the Minister has neither confirmed the order nor determined not to confirm it, the order may be proceeded with as if this subsection had not been passed.

(4) Where the Minister revokes, varies or amends an order made by virtue of the last foregoing subsection relating to any length of road, any order imposing or varying, as respects that length of road, any such requirement, prohibition or restriction as is specified in that subsection and made within twelve months after the revocation, variation or amendment by the Minister shall be subject to confirmation by the Minister to the like extent as if the last foregoing subsection had not been passed.

(5) The following provisions shall have effect as respects the proviso to subsection (2) of the said section forty-six (under which no order may be made with respect to a road which would have the effect of preventing reasonable access for vehicles of any class or description to premises on or adjacent to the road):—

- (a) for the purposes of the application of the said proviso to vehicles of any class or description premises shall be treated as adjacent to a road, whatever their distance therefrom, if they are accessible for vehicles of that class or description from, and only from, that road ;

(b) the said proviso shall not have effect in relation to an order confirmed or made by the Minister in so far as the authority making the order is satisfied that, for avoiding danger to persons or other traffic using the road to which the order relates or any other road, or for preventing damage to the road or buildings on or near it, it is requisite that the said proviso should not apply, and it is stated in the order that the said authority is satisfied as aforesaid ;

(c) a restriction on the loading or unloading of goods shall in no circumstances be treated as preventing such access as may be reasonably required if the restriction does not prevent loading or unloading for more than six hours in all in any consecutive period of twenty-four hours.

(6) In subsection (8) of the said section forty-six (which specifies the councils to which that section applies) the reference to urban districts shall (but subject to subsection (8) of this section) include, and be deemed always to have included, a reference to boroughs, not being county boroughs.

(7) The power conferred by subsection (6) of section twenty-nine of the Road and Rail Traffic Act, 1933, of making regulations for prescribing procedure shall include power to make regulations for prescribing the procedure to be followed in connection with the making by a council of an order which by reason of subsection (3) of this section does not require confirmation and the holding of inquiries in connection therewith.

(8) The said section forty-six, and subsections (4) to (6) of the said section twenty-nine, shall cease to apply as respects the London Traffic Area, without prejudice, however, to any order made, or having effect as if made, thereunder before the coming into operation of this section, and any such order in so far as it relates to the London Traffic Area may be varied or revoked by regulations under section ten of the London Traffic Act, 1924.

(9) In subsection (2) of section forty-six of the Act of 1930 for the words from "for any" to "of traffic" there shall be substituted the words "containing any such provision as is specified in subsection (2) of section thirty-three of the Road Traffic Act, 1956," and in subsection (4) of section twenty-nine of the Road and Rail Traffic Act, 1933, for the words from "restricting" to "1930" there shall be substituted the words "under subsection (2) of section forty-six of the Road Traffic Act, 1930 which".

(10) In the application of this section to Scotland for references to the Minister there shall be substituted references to the Secretary of State.



**34.—(1)** Where under section forty-seven of the Act of 1930 (which provides for traffic regulation in consequence of the execution of works) a highway authority make an order under subsection (1) of that section or issue a notice under subsection (6) of that section, the authority may by order make as respects any alternative road any such provision as is specified in paragraph (a), (b) or (c) of subsection (2) of the last foregoing section:

Amendments  
as to traffic  
regulation  
during road  
repairs, etc.

Provided that where the highway authority for the road as respects which the order or notice under the said section forty-seven is made or issued is not the highway authority for the alternative road, then—

- (a) if the alternative road is a trunk road, the power to make orders conferred by this subsection shall be exercisable by the Minister on the application of the highway authority for the other road ;
- (b) in any other case, the order under this subsection shall not be made except with the consent of the highway authority for the alternative road.

(2) In connection with the making of an order under the last foregoing subsection the authority making the order shall publish the like notices within the like time, and in the like manner, as is required by subsection (2) of the said section forty-seven in the case of an order under that section :

Provided that the notices required by this subsection need not contain any description of alternative routes.

(3) Subsection (4) of the said section forty-seven (which limits the time for which orders under that section may continue in force without the approval of the Minister) shall apply to orders under subsection (1) of this section made by highway authorities other than the Minister, and subsection (7) of the said section forty-seven (which relates to offences) and subsection (9) of that section (which contains a saving for tramcars and trolley vehicles) shall apply to orders under subsection (1) of this section.

(4) The proviso to subsection (2) of section forty-six of the Act of 1930 (under which no order is to be made which would have the effect of preventing reasonable access) shall apply in relation to orders under subsection (1) of this section as it applies in relation to orders under the said subsection (2), subject however to the provisions of subsection (5) of the last foregoing section.

(5) In subsection (1) of the said section forty-seven for the reference to works being executed or proposed to be executed on a road there shall be substituted a reference to works being executed or proposed to be executed on or near a road.

(6) Subsection (8) of the said section forty-seven (which provides for an appeal to the Minister against restrictions and prohibitions imposed under that section) shall cease to have effect; but—

- (a) subsection (4) of the said section forty-seven shall as respects any order to which it applies have effect with the substitution for the words “three months” of the words “six weeks”;
- (b) where the Minister has refused to approve the continuing in force of an order made under the said section forty-seven, then except with the approval of the Minister no subsequent order shall be made under that section as respects any length of road to which the previous order related unless at least three months have expired from the time when the previous order ceased to have effect:

Provided that nothing in this subsection shall apply to any order under the said section forty-seven made before the coming into operation of this section.

(7) The maximum period for which a notice under subsection (6) of the said section forty-seven may continue in force shall be extended from seven days from the date of the notice to fourteen days therefrom.

(8) The provision which may be made by order under subsection (1) or notice under subsection (6) of the said section forty-seven shall be any such provision as is mentioned in subsection (2) of the last foregoing section.

(9) An order under subsection (1) or notice under subsection (6) of the said section forty-seven, or an order under subsection (1) of this section, may suspend any statutory provision of a description which could have been contained in the order or notice or, in the case of an order under subsection (1) of this section, any such provision as is mentioned in paragraph (d) of subsection (2) of the last foregoing section, and any such provision (other than one contained in the order or notice) shall have effect subject to the order or notice.

(10) In subsection (1) of this section the expression “alternative road”, in relation to a road as respects which an order under subsection (1), or notice under subsection (6), of the said section forty-seven is made or issued, means a road providing an alternative route for traffic diverted from the first-mentioned road or from any other alternative road, or capable of providing such an alternative route apart from any statutory provision authorised by the last foregoing subsection to be suspended by an order under subsection (1) of this section.

(11) In the application of this section to Scotland, for references to the Minister there shall be substituted references to the Secretary of State.

**35.**—(1) In Part III of the Act of 1930 and in this Act the expression “traffic sign” shall mean any object or device (whether fixed or portable) for conveying warnings, information, requirements, restrictions or prohibitions of any description prescribed or authorised under subsection (2) of section forty-eight of the Act of 1930 to traffic on roads or any specified description of traffic, and any line or mark on a road for conveying such warnings, information, requirements, restrictions or prohibitions. Traffic signs.

(2) In subsection (4) of the said section forty-eight (which requires a highway authority to secure the removal of unauthorised traffic signs and similar objects) for the words “The highway authority shall” there shall be substituted the words “The highway authority may”, for the words from “any traffic sign” to “such a sign” there shall be substituted the words “any object or device (whether fixed or portable) for the guidance or direction of persons using roads”, the proviso to the said subsection (4) shall cease to have effect, and in subsection (5) of that section after the word “object” there shall be inserted the words “or device”.

(3) References in any enactment (including an enactment contained in this Act) to the erection or placing of traffic signs shall include references to the display thereof in any manner, whether or not involving fixing or placing.

(4) For the purposes of subsection (2) of the said section forty-eight (which provides that traffic signs shall be of the prescribed size, colour and type except where a sign of another character is authorised) illumination, whether by lighting or by the use of reflectors or reflecting material, or the absence of such illumination, shall be part of the type or character of a sign.

(5) The power conferred by subsection (5) of section forty-eight of the Act of 1930 to give directions for the removal of a traffic sign shall include power to give directions for the placing of a traffic sign of any prescribed type or authorised character specified in the directions or for replacing a sign so specified by, or converting it into, a sign of another prescribed type or authorised character so specified.

(6) In subsection (7) of section forty-eight of the Act of 1930 (which confers default powers) for the words “effect the removal” there shall be substituted the words “carry out the work required by the direction”; and any direction under subsection (5) or (6) of that section—

- (a) if relating to a road or bridge in England or Wales, shall be enforceable on the application of the Minister by mandamus;
- (b) if relating to a road or bridge in Scotland, shall be enforceable by order of the Court of Session on an application by the Lord Advocate under section ninety-one of the Court of Session Act, 1868.

(7) In section forty-nine of the Act of 1930 (which makes it an offence to fail to conform to the indication given by certain traffic signs lawfully placed on or near roads) the words " being a sign for regulating the movement of traffic or indicating the route to be followed by traffic, and being " shall cease to have effect, but for the purposes of that section a traffic sign shall not be treated as having been lawfully placed unless either—

- (a) the indication given by the sign is an indication of a statutory prohibition, restriction or requirement,
- (b) the sign has been placed in the exercise of the powers conferred by section thirty-eight of this Act, or
- (c) it is expressly provided by the regulations under section forty-eight of the Act of 1930 prescribing the type of sign in question, or the authorisation under that section authorising the erection or retention of the sign in question, that the said section forty-nine shall apply to signs of that type or, as the case may be, to that sign,

and where the indication mentioned in paragraph (a) of this subsection is of the general nature only of the prohibition, restriction or requirement to which the sign relates a person shall not be convicted of failure to comply with the indication unless he has failed to comply with the said prohibition, restriction or requirement.

(8) So much of subsection (2) of section one hundred and thirteen of the Act of 1930 as provides for imprisonment in the case of second or subsequent convictions shall not apply to convictions of offences under section forty-nine of that Act.

Experimental traffic schemes in London.

36.—(1) Where it appears to the Commissioner of Police expedient so to do for the purpose of carrying out within his area an experimental scheme of traffic control, he may with the consent of the Minister, and after giving such notice as the Minister may direct, make regulations for regulating vehicular traffic in any manner specified in the Fifth Schedule to this Act.

(2) Any provision contained in regulations under this section may be made so as to apply at all times or on specified days or during specified periods, and either throughout the day or during any specified part of the day, and to vehicular traffic generally or to such traffic of any class or description specified in the regulations, and regulations under this section may make different provision for different classes or descriptions of traffic.

(3) For the purpose of giving notice of any prohibition, restriction or requirement imposed by regulations under this section a constable or any person acting under the instructions

(whether general or specific) of the Commissioner of Police may place on any highway, or on any structure on any highway, traffic signs of any size, colour and type prescribed or authorised under section forty-eight of the Act of 1930; and nothing in subsection (3) of the said section forty-eight (which prohibits the placing of traffic signs on or near roads except in accordance with the preceding provisions of that section) shall apply to traffic signs placed by a constable, or any person acting as aforesaid, on any land for the purpose aforesaid.

(4) If any person contravenes or fails to comply with regulations under this section he shall be liable on summary conviction to a fine not exceeding twenty pounds or, in the case of a second or subsequent offence, to a fine not exceeding fifty pounds.

(5) Regulations under this section may suspend or modify regulations made by the Minister under section ten of the London Traffic Act, 1924 (which enables regulations to be made for controlling and regulating traffic in the London Traffic Area).

(6) Regulations under this section shall not continue in force for a period longer than six months after the making thereof, together with such further period (if any) not exceeding twelve months as the Minister may at any time before the expiration of the regulations direct; and (without prejudice to the power of the Commissioner of Police to revoke regulations under this section) such regulations may be revoked by regulations of the Minister under section ten of the London Traffic Act, 1924.

(7) A document purporting to be a copy, certified by a person authorised by the Commissioner of Police, of regulations under this section shall be evidence of the contents of such regulations.

(8) This section shall apply within the Metropolitan Police District and the City of London but not elsewhere; and in this section "the Commissioner of Police" means in relation to the Metropolitan Police District the Commissioner of Police of the Metropolis, and in relation to the City of London the Commissioner of Police for the City of London.

37.—(1) A constable, or any person acting under the instructions (whether general or specific) of the chief officer of police, may place on any highway, or on any structure on any highway, traffic signs of any size, colour and type prescribed or authorised under section forty-eight of the Act of 1930, being signs indicating prohibitions, restrictions or requirements relating to vehicular traffic, as may be requisite for giving effect to regulations, orders or directions made or given under section fifty-two of the Metropolitan Police Act, 1839, under section twenty-two of the local Act of the second and third year of the reign of

Powers of police to erect traffic signs relating to special traffic regulations.

Queen Victoria, chapter ninety-four, or under section twenty-one of the Town Police Clauses Act, 1847, or under section three hundred and eighty-five of the Burgh Police (Scotland) Act, 1892, or any corresponding provision contained in a local Act relating to any part of Scotland.

(2) Nothing in subsection (3) of section forty-eight of the Act of 1930 shall apply to traffic signs placed on any land for the purpose aforesaid by a constable or any person acting as aforesaid.

Temporary signs for dealing with traffic congestion and danger.

**38.—**(1) A constable, or any person acting under the instructions (whether general or specific) of the chief officer of police, may place on any highway, or on any structure on any highway, traffic signs of any size, colour and type prescribed or authorised under section forty-eight of the Act of 1930, being signs indicating prohibitions, restrictions or requirements relating to vehicular traffic, as may be necessary or expedient to prevent or mitigate congestion or obstruction of traffic, or danger to or from traffic, in consequence of extraordinary circumstances.

(2) Nothing in subsection (3) of section forty-eight of the Act of 1930 shall apply to traffic signs placed on any land for the purpose aforesaid by a constable or any person acting as aforesaid.

(3) The power to place signs conferred by this section shall include power to maintain any sign for a period of seven days or less from the time when it was placed, but no longer.

#### *Public service vehicles*

Meaning of "public service vehicle", "stage carriage", "express carriage" and "contract carriage"

**39.—**(1) For the purposes of the Act of 1930 the expressions "public service vehicle", "stage carriage", "express carriage" and "contract carriage" shall have the meanings assigned to them respectively by the provisions of this section, subject however to the provisions of the next following section; and any enactment (other than the Act of 1930) or instrument in which apart from this Act any of those expressions would have the same meanings as in the Act of 1930 or meanings derived therefrom shall be construed accordingly.

(2) A public service vehicle is a motor vehicle used for carrying passengers for hire or reward which either—

(a) is carrying passengers at separate fares, or

(b) is not carrying passengers at separate fares but is adapted to carry eight or more passengers.

In this subsection the expression "motor vehicle" does not include a tramcar or a trolley vehicle.

(3) A stage carriage is a public service vehicle carrying passengers at separate fares, not being an express carriage.

(4) An express carriage is a public service vehicle carrying passengers at separate fares none of which is less than one shilling; and for the purposes of this subsection—

- (a) a composite fare for more than one journey shall not be regarded as representing the aggregate of fares of any less amount, and
- (b) no account shall be taken of any fare which is charged in the case of passengers of particular descriptions if a fare of one shilling or more is charged for the like service in the case of all passengers not falling within any of those descriptions.

(5) A contract carriage is a public service vehicle not carrying passengers at separate fares.

(6) The Minister may by regulations under the Act of 1930 provide that subsection (4) of this section shall have effect as if for the references therein to one shilling there were substituted references to such greater sum as may be specified in the regulations.

40.—(1) A vehicle carrying passengers at separate fares in circumstances in which the conditions set out in Part I, II, III or IV of the Sixth Schedule to this Act are fulfilled shall be treated as not being a public service vehicle unless it is adapted to carry eight or more passengers.

Circumstances affecting classification of vehicles under last foregoing section.

(2) A public service vehicle carrying passengers at separate fares shall be treated as a contract carriage, and not as a stage carriage or an express carriage, when used in circumstances in which the conditions set out in either Part III or Part IV of the Sixth Schedule to this Act are fulfilled.

(3) For the purposes of this and the last foregoing section and of the Sixth Schedule to this Act—

- (a) a vehicle is to be treated as carrying passengers for hire or reward if payment is made for, or for matters which include, the carrying of passengers, irrespective of the person to whom the payment is made;
- (b) a payment made for the carrying of a passenger shall be treated as a fare notwithstanding that it is made in consideration of other matters in addition to the journey and irrespective of the person by or to whom it is made;
- (c) a payment shall be treated as made for the carrying of a passenger if made in consideration of a person being given a right to be carried, whether for one or more journeys and whether or not the right is exercised;

- (d) in any case where one or more passengers are being carried for hire or reward otherwise than in the course of a business of carrying passengers, the vehicle shall be treated as carrying passengers at separate fares.

*Miscellaneous and Supplementary Provisions*

Lighting-up  
time.

41. For the purposes of the Road Transport Lighting Acts, 1927 to 1953, the expression "the hours of darkness" shall mean the time between half-an-hour after sunset and half-an-hour before sunrise as well during the period of summer time as during the remainder of the year.

Protective  
helmets for  
motor-cyclists.

42.—(1) The Minister may make regulations prescribing (by reference to shape, construction or any other quality) types of helmet recommended as affording protection to persons on or in motor cycles, or motor cycles of different classes or descriptions, from injury in the event of accident.

(2) If any person sells, or offers for sale, any helmet as a helmet for affording protection as aforesaid, and the helmet is neither—

(a) of a type prescribed under this section, nor

(b) of a type authorised under regulations made under this section and sold or offered for sale subject to any conditions specified in the authorisation,

he shall be liable on summary conviction in the case of a first offence to a fine not exceeding twenty pounds, or in the case of a second or subsequent offence to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment:

Provided that a person shall not be convicted of an offence under this section in respect of the sale or offer for sale of a helmet if he proves that it was sold or, as the case may be, offered for sale for export from Great Britain.

(3) In England or Wales the council of a county, of a borough or of an urban district or the Common Council of the City of London may institute proceedings for an offence under this section.

(4) The provisions of the Seventh Schedule to this Act shall have effect in relation to contraventions of this section.

(5) In this section and in the said Schedule the expression "helmet" includes any head-dress, and references in this section to selling or offering for sale include respectively references to letting on hire and offering to let on hire.

(6) The power to make regulations conferred by this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.



**43.—(1)** The grounds on which a licence under Part I of the Road and Rail Traffic Act, 1933, may be revoked or suspended under subsection (1) of section thirteen of that Act (which provides for the revocation or suspension of such a licence on the ground that any of the conditions of the licence have not been complied with), or a direction may be given under subsection (3) of that section, shall include the ground that the holder of the licence or any servant or agent of his has, in relation to an authorised vehicle, been convicted of contravening or failing to comply with any statutory provision (however expressed) relating to—

Amendments  
as to conditions  
of carriers'  
licences.

- (a) the maintenance of vehicles in a fit and serviceable condition, or
- (b) limits of speed and weight, laden and unladen, and the loading of goods vehicles, or
- (c) the time for which drivers of such vehicles as are regulated by section nineteen of the Act of 1930 may remain continuously on duty and the hours which they are to have for rest, or
- (d) the keeping by holders of licences under the said Act of 1933 of records as to hours of work, journeys, loads and other matters,

or that the use of an authorised vehicle has been prohibited under section seventeen of the said Act of 1933:

Provided that the licensing authority shall not revoke or suspend a licence or give a direction by virtue of this subsection unless he is satisfied, after holding a public inquiry if the holder of the licence requests him so to do, that owing to the frequency of such convictions or prohibitions, or the wilfulness of the act or omission leading to the conviction or prohibition, or the danger to the public involved in that act or omission, the licence should be suspended or revoked or, as the case may be, the direction given.

(2) The objections which under subsection (2) of section eleven of the said Act of 1933 the licensing authority has a duty (subject to the proviso to that subsection) to consider on an application for the grant or variation of a licence under that Act shall include objections on the ground that in relation to such a licence held by the applicant there has been any such conviction or prohibition as is mentioned in the last foregoing subsection.

(3) Subsection (1) of section eight of the said Act of 1933 (which makes licences under that Act subject to conditions relating to the matters mentioned in paragraphs (a) to (d) of subsection (1) of this section) shall cease to have effect; and accordingly subsection (2) of section nine of that Act (which excludes the operation of the conditions of a licence while an authorised vehicle is being used for a purpose for which no

licence is required) shall not affect the operation of any such statutory provision as is mentioned in subsection (1) of this section.

(4) So long as the provisions of section twelve of the Road and Rail Traffic Act, 1933 (which relates to holding and subsidiary companies) have effect, references in subsection (1) of this section to the holder of the licence or his servant or agent shall include references to the subsidiary company (within the meaning of the said section twelve) or any servant or agent of that company.

(5) In this section and in Part I of the said Act of 1933 the expression "authorised vehicle" means, in relation to a licence under that Act, a vehicle authorised to be used thereunder, whether or not it is for the time being in use for a purpose for which such a licence is required and whether it is specified therein as so authorised or, being of a type so authorised subject to a maximum number, is in the possession of the holder of the licence under an agreement for hire or loan or, if a trailer, belongs to him or is in his possession under an agreement for hire purchase, hire or loan.

Amendments  
as to  
suspension or  
revocation of  
A and B  
licences.

44.—(1) There shall be included among the grounds on which an A licence or a B licence may be suspended or revoked under subsection (1) of section thirteen of the Road and Rail Traffic Act, 1933 (which provides for the revocation or suspension of carriers' licences in certain circumstances), or a direction may be given under subsection (3) of that section, the following additional ground, that is to say, that the holder of the licence has been persistently charging, for services which consist of or include the carriage of goods by road in any of the authorised vehicles, sums insufficient to meet the cost of rendering those services and has thereby placed other holders of licences at an undue or unfair disadvantage in competing with him as respects the carriage of goods by road.

(2) The proviso to the said subsection (1) (which proviso imposes certain conditions on the powers of the licensing authority to revoke or suspend a licence) shall not apply to any revocation, suspension or direction made or given by virtue of this section, but if the holder of the licence requests the licensing authority to hold a public inquiry, the licensing authority shall not make or give any such revocation, suspension or direction except after holding such an inquiry.

(3) So long as the provisions of section twelve of the Road and Rail Traffic Act, 1933 (which relates to holding and subsidiary companies), have effect, paragraphs (a) to (c) of subsection (1) of that section shall apply in relation to subsection (1) of this section as they apply in relation to Part I of that Act, and references in subsection (1) of this section to charges made by the holder of the licence and to competing with him shall be construed accordingly.

**45.—(1)** The highway authority for any road repairable by the inhabitants at large shall have power to construct and maintain works in the carriageway—

Provisions as to dual carriageways, roundabouts and street refuges.

- (a) along any length of road, for separating a part of the road which is to be used by traffic moving in one direction from a part of the road which is to be used (whether at all times or at particular times only) by traffic moving in the other ;
- (b) at cross roads or other road junctions, for regulating the movement of traffic ;
- (c) for providing places of refuge for the protection of foot passengers crossing the road.

(2) The powers conferred by the last foregoing subsection shall include power to light any such works as aforesaid, to pave, grass or otherwise cover them or any part of them, to erect pillars, walls, rails, or other fences on, around or across them or any part of them and to plant on them trees, shrubs and other vegetation either for ornament or in the interests of safety.

(3) The power conferred by the foregoing provisions of this section to construct any works shall include power to alter or remove them.

(4) As respects any road in a borough or urban district, being a road for which the council of the borough or district are not the highway authority, and as respects any road in a rural district, the powers of a highway authority under this section may be exercised with that authority's consent by the council of the borough or urban or rural district, as the case may be.

(5) The power of the Minister to make advances under section eight of the Development and Road Improvement Funds Act, 1909 (which relates, among other things, to grants for road improvements) shall include power to make advances to a highway authority, or to the council of a borough or urban district, in respect of any work, beyond ordinary repairs essential to placing a road in a proper state of repair, done in the exercise of the powers conferred by the foregoing provisions of this section ; and accordingly, in relation to any advances made by virtue of this subsection, the reference in subsection (4) of the said section eight to a highway authority shall be construed as including a reference to the council of a borough or urban district.

(6) Part II of the Public Utilities Street Works Act, 1950, and the Fourth Schedule to that Act (which provide a code regulating the relations between authorities carrying out alterations to roads and statutory undertakers having apparatus in those roads) shall have effect as if the works mentioned in paragraph (a) of subsection (1) of section twenty-one of that Act

included any such work as is mentioned in the last foregoing subsection executed (whether or not for road purposes as defined in that Act) by or on behalf of any authority mentioned in that paragraph or a rural district council.

(7) The following provisions:—

in the Public Health Acts Amendment Act, 1890, in section thirty-nine the words “or places of refuge” and the words from “or for the purpose” to the end of the section;

in the Burgh Police (Scotland) Act, 1903, in section fourteen the words “or may provide island platforms for pedestrians”;

in section fifty-five of the Act of 1930, the words from “erect” to “road and”;

in subsection (2) of section fifty-seven of the Act of 1930, the words “places of refuge in roads, and”,

shall cease to have effect; and anything done before the coming into operation of this section, otherwise than in pursuance of powers conferred by the said section thirty-nine, fourteen or fifty-five, which could lawfully have been done under powers conferred by this section if it had then been in force shall be treated as if this section had been in force when it was done.

(8) In the application of this section to Scotland, in subsection (1) for the words from “The highway authority” to “power”, there shall be substituted the words “The Secretary of State or any county or town council shall have power, in respect of any road for the maintenance and repair of which he or any such council are responsible”, and for subsection (5) there shall be substituted the following subsection:—

“(5) The power of the Secretary of State to make advances under section eight of the Development and Road Improvement Funds Act, 1909, shall include power to make advances to the council of a county or of a large burgh as defined in the Local Government (Scotland) Act, 1947, in respect of any work, beyond ordinary repairs essential to placing a road in a proper state of repair, done in the exercise of the powers conferred by the foregoing provisions of this section.”

Amendments  
as to  
pedestrian  
crossings.

46.—(1) The power conferred by subsection (3) of section eighteen of the Act of 1934 (which relates to crossings for foot-passengers) to make different regulations in different circumstances shall include power to make regulations applying only to a particular crossing or particular crossings specified in the regulations.

(2) A scheme such as is mentioned in subsection (4) of the said section eighteen (which relates to proposals for the establishment of crossings) may, after such consultation and giving of notice as is mentioned in that subsection, be submitted to the Minister or, as the case may be, the Secretary of State at any time, notwithstanding that the period within which the submission thereof is required has elapsed and notwithstanding any earlier submission of a statement of reasons for considering the establishment of crossings to be unnecessary; and the provisions of the said section eighteen, other than the said subsection (4), shall apply to a scheme submitted under this subsection as they apply to a scheme submitted under that subsection.

This subsection shall be deemed always to have had effect.

(3) The power of the Minister or of the Secretary of State under the said section eighteen to make regulations with respect to the indication of the limits of a crossing by marks on the roadway or otherwise shall include, and be deemed always to have included, power to make regulations with respect to the indication, by marks or devices on or near the roadway or otherwise, of any matter relating to the crossing:

Provided that this subsection shall not affect any proceedings pending at the coming into operation of this section.

(4) For subsection (8) of the said section eighteen there shall be substituted the following subsection:—

“(8) Any person who contravenes any regulations made under this section shall be guilty of an offence and liable to a fine not exceeding ten pounds or, in the case of a second or subsequent offence, to a fine not exceeding twenty-five pounds.”

47.—(1) Where the holder of a road service licence makes application to the commissioners to exercise their powers under subsection (4) of section seventy-two of the Act of 1930 to vary the conditions attached to the licence, it shall be the duty of the commissioners to consider whether they shall exercise the said powers. Appeals relating to road service licences.

(2) Where the commissioners entertain an application for them to exercise their said powers or give such notice as may be prescribed under section seventy-nine of the Act of 1930 of a proposal that they should exercise those powers, but refuse to vary the conditions attached to the licence, the holder of the licence or, if they have made representations in favour of the exercise of those powers, any of the following persons, that is to say—

(a) the council of any county, county borough or county district in England or Wales, or any county or town

council in Scotland, in whose area the route to which the licence relates or any part of that route is situated, or

(b) any person providing transport facilities along or near that route or any part thereof,

may within the time and in the manner prescribed under section eighty-one of the Act of 1930 appeal to the Minister; and on any such appeal the Minister shall have power to make such order, binding upon the commissioners, as he thinks fit.

Duration of driving licences and fees therefor.

48.—(1) Subject to the provisions of this section, a driving licence granted after the coming into operation of this section shall, unless previously revoked or surrendered, remain in force for a period of three years from the date on which it is granted, and the fee payable on the grant thereof shall be fifteen shillings.

(2) Where a driving licence is granted on the surrender of another licence, and the licence surrendered was capable of remaining in force for three years, then if the applicant so requires the fee payable on the grant shall be five shillings and the licence shall not remain in force after the end of the period for which the licence surrendered could have remained in force.

(3) In paragraph (i) of subsection (1) of section thirty of the Act of 1930 (which provides for the issue of driving licences, in the place of licences lost or defaced, on payment of a fee not exceeding one shilling) for the words "one shilling" there shall be substituted the words "two shillings and sixpence".

(4) Subsection (1) of this section shall not apply to a provisional licence or to a licence granted to a person as resident outside the United Kingdom.

(5) For the purpose of securing, as far as may be, that when this section has come into full operation the work of issuing driving licences will be evenly spread, the Minister may by regulations under section thirty of the Act of 1930 provide for dividing into three groups applications made by persons who have not previously held a driving licence capable of remaining in force for three years, but have previously held either a driving licence, other than a provisional licence, or a licence under the Motor Car Act, 1903; and there shall be excepted from the operation of subsection (1) of this section applications of the first of those groups made in the first or second year after the coming into operation of this section, and applications of the second of those groups made in the first year after the coming into operation thereof:

Provided that the validity or duration of a driving licence shall not be affected by reason that under the foregoing provisions of

this section the licence ought to have been granted so as to remain in force for a period other than that for which the licence was in fact granted.

(6) In this section the expression "driving licence" means a licence to drive a motor vehicle granted under Part I of the Act of 1930.

49. In the Twelfth Schedule to the London Passenger Transport Act, 1933 (which sets out the constitution of the London and Home Counties Traffic Advisory Committee) for the provision for one member to be appointed by the Minister to represent the interests of certain persons providing or using mechanically propelled road vehicles there shall be substituted the following provisions:—

Constitution  
of London  
and Home  
Counties  
Traffic  
Advisory  
Committee.

"Two—By the Minister, after consultation with such bodies representative of those interests as he may think fit, to represent the interests of persons (other than such persons as are hereinafter mentioned and other than the British Transport Commission and any Executive) providing or using mechanically propelled road vehicles within the London Traffic Area.

One—By the Minister, after consultation with such bodies representative of those interests as he may think fit, to represent the interests of persons (other than the British Transport Commission and any Executive) who are holders of public carriers' licences and limited carriers' licences under the Road and Rail Traffic Act, 1933, carrying on business within the London Traffic Area.

One—By the Minister, after consultation with such bodies representative of those interests as he may think fit, to represent the interests of persons who are holders of private carriers' licences under the Road and Rail Traffic Act, 1933, carrying on business within the London Traffic Area.

One—By the Minister, after consultation with such bodies representative of those interests as he may think fit, to represent the interests of persons (other than the British Transport Commission and any Executive) who are the holders of licences authorising them to operate public service vehicles within the London Traffic Area.

One—By the Minister, after consultation with such bodies representative of those interests as he may think fit, to represent the interests of persons using bicycles and tricycles, not being motor vehicles, within the London Traffic Area."

Exemption of pedestrian-controlled grass cutters.

**50.**—(1) A mechanically propelled vehicle to which this section applies—

(a) shall for the purposes of the Road Traffic Acts, 1930 to 1956 be treated as not being a motor vehicle ;

(b) shall for the purposes of the Road Transport Lighting Acts, 1927 to 1953 be treated as a vehicle propelled by hand.

(2) This section applies—

(a) to any implement for cutting grass which is controlled by a pedestrian and is not capable of being used or adapted for any other purpose ;

(b) to such other vehicles controlled by pedestrians as may be specified for the purposes of this section by regulations made by the Minister by statutory instrument.

(3) In the last foregoing subsection “controlled by a pedestrian” means that the implement or vehicle either—

(a) is constructed or adapted for use only under such control, or

(b) is constructed or adapted for use either under such control or under the control of a person carried on it but is not for the time being in use under, or proceeding under, the control of a person carried on it.

(4) Regulations under this section shall not have effect unless approved by resolution of each House of Parliament.

Minor and consequential amendments.

**51.** The enactments specified in the Eighth Schedule to this Act shall have effect subject to the amendments specified in that Schedule, being minor amendments or amendments consequential on the foregoing provisions of this Act.

Financial provisions.

**52.**—(1) The expenses of the Minister or of the Secretary of State under this Act shall be defrayed out of moneys provided by Parliament.

(2) There shall be paid into the Exchequer any receipts of the Minister under this Act and any increase attributable to this Act in the sums payable into the Exchequer under any enactment.

(3) 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 or regulations made thereunder 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.

(4) Any increase attributable to this Act in the sums payable out of moneys provided by Parliament under Part I of the



Local Government Act, 1948, or under the Local Government (Financial Provisions) (Scotland) Act, 1954, shall be defrayed out of moneys so provided.

**53.**—(1) Subsection (2) of section one hundred and twenty-<sup>Application</sup> one of the Act of 1930 (which provides for the application of to Crown. Parts I and III of that Act to vehicles and persons in the public service of the Crown) shall apply in relation to this Act.

(2) In the application of the said subsection (2) in relation to section eleven of this Act, references to the driver of a vehicle shall include references to the person riding a bicycle or tricycle.

(3) Subsection (1) of section forty of the Act of 1930, in so far as it provides for the production of test certificates and the giving of names and addresses, shall apply to a person in connection with any vehicle to which section two of this Act applies notwithstanding that he or the vehicle is or was at any material time in the public service of the Crown.

**54.**—(1) In this Act the following expressions have the mean-<sup>Interpretation.</sup> ings hereby assigned to them respectively, that is to say:—

“ Act of 1930 ” means the Road Traffic Act, 1930 ;

“ Act of 1934 ” means the Road Traffic Act, 1934 ;

“ bridleway ” means a way over which the public have the following, but no other rights of way, that is to say a right of way on foot and a right of way on horseback or leading a horse, with or without a right to drive animals of any description along the way ;

“ chief officer of police ” has the same meaning as in the Act of 1930 ;

“ footpath ” means a way over which the public have a right of way on foot only ;

“ the Minister ” means the Minister of Transport and Civil Aviation ;

“ motor cycle ” has the same meaning as in the Act of 1930, and paragraph (c) of subsection (4) of section two of that Act (which relates to side cars) shall apply for the purposes of this Act as it applies for the purposes of Part I of that Act ;

“ motor vehicle ” has the same meaning as in the Act of 1930 ;

“ public service vehicle ”, “ stage carriage ” and “ express carriage ” have respectively the meanings assigned to them by section thirty-nine of this Act ;

“ road ” means any highway and any other road to which the public has access ;

“statutory”, in relation to any prohibition, restriction, requirement or provision, means contained in, or having effect under, any enactment;

“test certificate” has the meaning assigned to it by subsection (2) of section one of this Act;

“tramcar” includes any carriage used on any road by virtue of an order made under the Light Railways Act, 1896;

“trolley vehicle” means a mechanically-propelled vehicle adapted for use upon roads without rails and moved by power transmitted thereto from some external source.

(2) Any power conferred by the foregoing provisions of this Act to make an order shall include power, exercisable in like manner and subject to the like provisions, to vary or revoke an order.

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

Short title,  
commence-  
ment, repeals,  
savings  
and extent.

**55.**—(1) This Act may be cited as the Road Traffic Act, 1956, and this Act and the Road Traffic Acts, 1930 to 1947 may be cited together as the Road Traffic Acts, 1930 to 1956.

(2) This Act shall come into operation on such day as the Minister may by order made by statutory instrument appoint; and different days may be appointed for different provisions of this Act.

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

(4) The repeal of section one hundred and four of the Roads and Bridges (Scotland) Act, 1878 (which empowers a local authority to make byelaws in respect of highways within their jurisdiction), or of paragraphs (1) and (3) of section three hundred and eighty-five of the Burgh Police (Scotland) Act, 1892 (which among other things permits a town council to regulate traffic in a burgh) shall not affect any byelaw made under any of those enactments, but any such byelaw shall have effect as if it were an order made under section forty-six of the Act of 1930.

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

## SCHEDULES

### FIRST SCHEDULE

Section 3.

#### DEFERRED TESTS OF CONDITION OF VEHICLES

1. Where the driver is the owner of the vehicle, he may at the time of electing that the test shall be deferred specify a period of seven days within which the deferred test is to take place, being a period falling within the next thirty days, disregarding any day on which the vehicle is outside Great Britain, and may at that time require that the deferred test shall take place on premises then specified by him where the test can conveniently be carried out or that it shall take place in such area in England or Wales, being a county borough or county district or the administrative county of London, or such area in Scotland, being a county or burgh, as he may specify at the said time.

2. Where the driver is not the owner of the vehicle, he shall inform the examiner of the name and address of the owner of the vehicle and the owner shall be afforded an opportunity of specifying such a period, and such premises or area, as aforesaid.

3.—(1) Where under the foregoing provisions of this Schedule a period has been specified within which the deferred test is to be carried out, the time for carrying it out shall be such time within that period as may be notified, being a time not earlier than two days after the giving of the notification.

(2) Where no such period has been specified as aforesaid, the time for the carrying out of the deferred test shall be such time as may be notified, being a time not earlier than seven days after the giving of the notification.

(3) Where premises have been specified under the foregoing provisions of this Schedule for the carrying out of the deferred test, and the test can conveniently be carried out on those premises, it shall be carried out there.

(4) Where the last foregoing sub-paragraph does not apply, the place for carrying out the deferred test shall be such place as may be notified with the notification of the time for the carrying out of the test, and where an area has been specified as aforesaid the place shall be a place in that area.

(5) Notwithstanding the foregoing provisions of this paragraph, the time and place for the carrying out of the deferred test may be varied by agreement between an authorised examiner and the owner of the vehicle.

(6) In this paragraph the expression "notified" means notified in writing to the owner of the vehicle on behalf of the Minister, and the expression "notification" shall be construed accordingly; and any notification under this paragraph may be given by post.

4. It shall be the duty of the owner of the vehicle to produce it, or secure its production, at the time and place fixed for the carrying out of the deferred test.

1ST SCH.  
—cont.

5. References in this Schedule to the owner of a vehicle are references to the owner thereof at the time at which the election is made under subsection (3) of section three of this Act that the test should be deferred, and for the purposes of this Schedule—

- (a) if at that time the vehicle is in the possession of a person under a hire-purchase agreement or hiring agreement and the case is not one falling within the next following sub-paragraph, that person,
- (b) if at that time the vehicle is being used under an international circulation permit, the person to whom the permit was issued,

shall be deemed to be the owner of the vehicle to the exclusion of any other person.

Section 5.

## SECOND SCHEDULE

### TRAVELLING & C. ALLOWANCES FOR ATTENDANCE AT ROAD SAFETY CONFERENCES

1.—(1) Where arrangements made by a local authority under subsection (2) of section five of this Act include the setting up of a road safety committee, then if the committee is designated for the purposes of this Schedule by or under regulations made under section one hundred and seventeen of the Local Government Act, 1948 (which provides for the making of regulations for administering the provisions of Part VI of that Act as to the payment of allowances) the following provisions shall have effect.

(2) Attendance as a representative of the road safety committee, or of any local or other authority, at any conference or meeting relating to road safety and designated by or under such regulations as aforesaid shall, subject to any conditions or restrictions prescribed by such regulations, be an approved duty for the purposes of the said Part VI.

(3) A member of the road safety committee who is not, and apart from this paragraph is not for the purposes of the said Part VI to be deemed to be, a member of a local or other authority shall, in relation to any such attendance as is mentioned in the last foregoing sub-paragraph, be treated for the said purposes as a member of such local or other authority concerned with the setting up of the committee as may agree so to treat him or as the Minister or, as the case may be, the Secretary of State, may determine.

2. Expenditure incurred by any local or other authority in the payment of travelling allowances or subsistence allowances in respect of attendances which are approved duties by virtue of sub-paragraph (2) of the last foregoing paragraph shall be treated for the purposes of subsection (2) of section five of this Act as part of the cost of the arrangements under which the road safety committee was set up; and subsection (4) of section one hundred and fourteen of the Local Government Act, 1948 (which excludes grant out of moneys provided by Parliament, other than Exchequer Equalisation Grant, in respect of expenditure under Part VI of that Act) shall not prevent the Minister or, as the case may be, the Secretary of State making contributions under subsection (2) of section five of this Act in respect of such expenditure.

3. In this Schedule the expression "local or other authority" means a body to which Part VI of the Local Government Act, 1948 applies, and the expression "road safety committee" means a committee or other body set up to act for the purposes of section five of this Act.

2ND SCH.  
—cont.

### THIRD SCHEDULE

Section 19.

#### PROCEDURE FOR ORDERS DESIGNATING PARKING PLACES

##### PART I

##### *Orders made on Local Authority Application*

1. Before applying for an order under section nineteen of this Act a local authority shall consult with the chief officer of police.

2.—(1) On applying for such an order a local authority shall publish in the London Gazette and in at least one newspaper circulating in the locality an advertisement—

- (a) stating the general effect of the proposed order, the whereabouts of the parking places to be designated thereby, the classes or descriptions of vehicles for which they are to be designated, the charges to be made for use of the parking places, and the provisions of the proposed order as to the times when the parking places may be used ;
- (b) specifying a place or places where a copy of the proposed order, and a plan showing the precise location of the parking places to be designated, may be inspected at reasonable times specified in the advertisement during a period so specified of not less than twenty-eight days from the publication or first publication of the advertisement ;
- (c) stating that any person wishing to object to the making of the order may do so by sending to the Minister, within the said period, notice in writing of his objection stating the grounds thereof.

(2) On applying for such an order a local authority shall take such other steps as appear to the authority reasonably practicable for the purpose of bringing specifically to the knowledge of persons likely to be specially affected, as the occupiers of land adjacent to the parking places, information as to the matters specified in heads (a) to (c) of the last foregoing sub-paragraph.

(3) Where on the expiration of the period specified in the advertisement under sub-paragraph (1) of this paragraph it appears to the Minister that, before the application is further dealt with, the local authority should take further steps for the purpose mentioned in the last foregoing sub-paragraph, he may direct the authority to take such further steps for that purpose as he may specify, and if he does so the period within which a copy of the order and plan may be inspected, and objections may be made, shall be deemed to be extended by such time as the Minister may direct.

3. On such an application as aforesaid the Minister shall, after the period for objecting to the making of the order has expired, refer the application, together with any objection duly made, to the London and Home Counties Traffic Advisory Committee (hereinafter

3RD SCH.  
—cont.

referred to as “the Advisory Committee”), and the Advisory Committee shall consider the application and any objections duly made thereto and report to and advise the Minister thereon; and the Minister shall consider their report and advice.

4. After compliance with the provisions of the last foregoing paragraph the Minister may make an order, either as applied for or with such modifications as he thinks fit:

Provided that where the local authority applying for the order is not the highway authority he shall not make the order except with the consent of the highway authority.

5.—(1) In relation to an application made, by virtue of an order under subsection (7) or (8) of section nineteen of this Act, for an order under that section designating a parking place outside the London Traffic Area, the foregoing provisions of this Schedule shall have effect subject to the following modifications.

(2) Paragraph 3 shall not apply, and—

(a) the Minister shall, after the period for objecting to the making of the order has expired, consider an application and any objections duly made thereto and may hold a public inquiry;

(b) paragraph 4 shall apply with the substitution of a reference to head (a) of this sub-paragraph for the reference to the said paragraph 3.

(3) In relation to an application relating to a parking place in Scotland paragraph 2 shall have effect with the substitution for the reference to the London Gazette of a reference to the Edinburgh Gazette.

## PART II

### *Orders made without Local Authority Application*

6. Before making an order by virtue of subsection (5) of section nineteen of this Act the Minister shall publish in the London Gazette and in at least one newspaper circulating in the locality an advertisement stating and specifying the matters set out in heads (a) to (c) of sub-paragraph (1) of paragraph 2 of this Schedule, and shall take such other steps as appear to the Minister reasonably practicable for the purpose of bringing specifically to the knowledge of persons likely to be specially affected, as the occupiers of land adjacent to the parking places, information as to those matters.

7. Where the Minister has in pursuance of the last foregoing paragraph advertised a proposal to make an order, then after the period for objecting to the making of the order has expired the Minister shall refer the proposal, together with any objection duly made, to the Advisory Committee, and that Committee shall consider the proposal and any objections duly made thereto and report and advise the Minister thereon and the Minister shall consider their report and advice.

8. After compliance with the provisions of the last foregoing paragraph the Minister may make an order, either as proposed or with such modifications as he thinks fit.

## PART III

3RD SCH.  
—cont.*Provisions as to inquiries*

9. For the purposes of paragraph 3 or 7 of this Schedule the Minister may require the Advisory Committee to cause an inquiry to be held under section three of the London Traffic Act, 1924, or if the Advisory Committee do not hold an inquiry may himself do so; and section forty-seven of the Road and Rail Traffic Act, 1933 shall apply in relation to inquiries held by the Minister for the purposes of this Schedule as it applies to inquiries held for the purposes of that Act.

## FOURTH SCHEDULE

Section 26.

OFFENCES IN RESPECT OF WHICH DISQUALIFICATION OR  
ENDORSEMENT MAY BE ORDERED

1. Any offence against subsection (1) of section four of the Act of 1930 or section thirty-one of the Act of 1934 (driving, or employing a person to drive, without a licence) or under subsection (3) of section five of the Act of 1930 (failure to comply with the conditions of a provisional licence).

2. Any offence under subsection (4) of section seven of the Act of 1930 (applying for or obtaining a licence, or driving, while disqualified).

3. Any offence against section nine of the Act of 1930 (restriction of driving by young persons).

4. Any offence committed in respect of a motor vehicle against any statutory restriction of speed on a road, including any offence under section thirteen of the Act of 1930.

5. Manslaughter by the driver of a motor vehicle, any offence under section thirty-five of the Offences against the Person Act, 1861 (causing bodily harm) committed by the person having charge of a motor vehicle, or any offence under section eight of this Act, or any offence under section eleven or twelve of the Act of 1930 (reckless, dangerous, careless or inconsiderate driving) committed in respect of a motor vehicle.

6. Any offence under section nine of this Act, or any offence under section fifteen of the Act of 1930 (driving or attempting to drive when under the influence of drink or a drug) committed in respect of a motor vehicle.

7. Any offence under section sixteen of the Act of 1930 (unlawful pillion riding) committed by the driver of a motor vehicle.

8. Any offence under section twenty-eight of the Act of 1930 (taking away motor vehicle without owner's consent or other authority).

9. Any offence under subsection (1) of section two of this Act.

4TH SCH.  
—cont.

10. An offence under any statutory provision, committed in respect of a motor vehicle, being an offence—

- (a) of failure to conform to the indication given by a traffic sign or to comply with a direction given by a police constable, or
- (b) of failure to comply with a requirement to proceed or not to proceed in a specified direction or along a specified part of the carriageway, or
- (c) of using a vehicle on a road, or causing or permitting a vehicle to be so used, so as, by the condition of the vehicle or its parts or accessories, the number of passengers carried by it, or the weight, distribution, packing or adjustment of its load, to cause, or to be likely to cause, danger, and in particular (but without prejudice to the generality of this paragraph) of contravening any requirement as to brakes, steering gear or tyres or any other requirement prescribed under subsection (1) of section one of this Act,

and any offence in respect of a motor vehicle under section fifty of the Act of 1930 (leaving a vehicle in a dangerous position on a road), subsection (8) of section eighteen of the Act of 1934 (pedestrian crossings), subsection (5) of section one of the Street Playgrounds Act, 1938, or subsection (2) of section two of the School Crossing Patrols Act, 1953.

11. Any offence under section thirty-five of the Act of 1930 (compulsory third-party insurance).

12. Any offence in respect of a motor vehicle under the Road Transport Lighting Acts, 1927 to 1953.

Section 36.

## FIFTH SCHEDULE

### EXPERIMENTAL TRAFFIC SCHEMES IN LONDON

1. Prescribing the routes to be followed by traffic from one specified point to another.
2. Prescribing streets which are not to be used for traffic.
3. Regulating the relative position in the roadway of traffic of differing speeds or types.
4. Prescribing the places where vehicles may not turn so as to face in the opposite direction to that in which they were proceeding, or where they may only so turn under prescribed conditions.
5. Prescribing the conditions subject to which and the times at which articles may be loaded on to or unloaded from vehicles on streets.
6. Prescribing the conditions subject to which and the times at which vehicles delivering or collecting goods or merchandise, or goods or merchandise of any particular class or classes, may stand in streets.
7. Prescribing rules as to precedence to be observed as between vehicles proceeding in the same direction, in opposite directions or when crossing.



8. Making provision as to vehicles when unattended.
9. Making provision as to places in streets where vehicles may, or may not, wait.
10. Making provision as to cab ranks and ranks and stopping places of omnibuses and other public conveyances.

5TH SCH.  
—cont.

## SIXTH SCHEDULE

Section 40.

### CONDITIONS AFFECTING CLASSIFICATION OF VEHICLES

#### PART I

##### *Race meetings, public gatherings etc.*

1. The journey on which the passengers are being carried must be made on the occasion of a race meeting, public gathering or other like special occasion.

#### PART II

##### *Conditions relating to certain journeys for vehicles carrying four passengers or less.*

2. The number of passengers carried must not exceed four.
3. The making of the agreement for the payment of separate fares must not have been initiated by the driver or by the owner of the vehicle, by the person who has let the vehicle for hire by any hiring agreement or hire-purchase agreement, or by any person who receives any remuneration in respect of the arrangements for the journey:
 

Provided that the agreement may have been initiated by the driver or owner, if the passengers are not being carried in the course of a business of carrying passengers.
4. The journey must be made without previous advertisement to the public of facilities for its being made by passengers to be carried at separate fares.
5. The journey must not be one on which passengers are carried at separate fares frequently, or as a matter of routine, in the same vehicle or in vehicles (other than vehicles used under a road service licence) belonging to the same owner or belonging partly to one person and partly to another who is a party to a hiring agreement or hire-purchase agreement of which any of the vehicles is the subject.
6. The journey must not be made in conjunction with, or in extension of, a service provided under a road service licence if the vehicle is owned by, or made available under any arrangement (including a hiring agreement or hire-purchase agreement) with, the holder of the licence or any person who receives any remuneration in respect of the service provided thereunder or in respect of arrangements for that service.

#### PART III

##### *Parties of overseas visitors*

7. Each of the passengers making the journey must have been outside Great Britain at the time of concluding his arrangements to make the journey.

6TH SCH.  
—cont.

#### PART IV

##### *Alternative conditions affecting classification*

8. Arrangements for the bringing together of all the passengers for the purpose of making the journey must have been made otherwise than by, or by a person acting on behalf of,—

- (a) the holder of the public service vehicle licence in respect of the vehicle, if such a licence is in force,
- (b) the driver or the owner of the vehicle or the person who has let the vehicle for hire by any hiring agreement or hire-purchase agreement, if no such licence is in force,

and otherwise than by any person who receives any remuneration in respect of the arrangements.

9. The journey must be made without previous advertisement to the public of the arrangements therefor.

10. All the passengers must, in the case of a journey to a particular destination, be carried to, or to the vicinity of, that destination, or, in the case of a tour, be carried for the greater part of the journey.

11. No differentiation of fares for the journey on the basis of distance or of time must be made.

12. In the case of a journey to a particular destination the passengers must not include any person who frequently, or as a matter of routine, travels, at or about the time of day at which the journey is made, to or to the vicinity of that destination from a place from or through which the journey is made.

#### PART V

##### *Supplementary*

13. For the purposes of paragraphs 4 and 9 of this Schedule no account shall be taken of any such advertisement as follows, that is to say—

- (a) a notice displayed or announcement made at or in any place of worship in the manner in which notices or announcements for the information of persons attending that place of worship are normally displayed or made, or
- (b) a notice displayed in any periodical published for the information of persons who attend a particular place of worship or a place of worship in a particular place, and circulating wholly or mainly among persons who attend or might reasonably be expected to attend there.

14.—(1) A vehicle adapted to carry eight or more passengers shall not be treated as having been used in circumstances in which the conditions set out in Part III or Part IV of this Schedule were fulfilled unless, within such time as the Minister may by regulations under the Act of 1930 prescribe, the holder of the public service vehicle licence in respect of the vehicle makes, or causes to be made, a record in such form as may be so prescribed containing such particulars, other than particulars of fares or prices, relating to the journey and the circumstances in which it was arranged as may be so prescribed.

(2) A vehicle adapted to carry eight or more passengers shall not be treated as being used as aforesaid unless the driver of the vehicle carries a work ticket in such form as may be prescribed by the Minister by regulations under the Act of 1930 and containing such particulars as may be so prescribed, being particulars appearing to the Minister requisite for enabling records made under the last foregoing sub-paragraph to be traced and identified.

6TH SCH  
—cont.

(3) The driver of a vehicle shall, on demand by a police constable in uniform or by a person authorised by any traffic commissioners, on production if so required of that person's authority, produce a work ticket carried by him under this paragraph for inspection by the constable or person authorised; and if the driver fails so to do he shall be liable on summary conviction to a fine not exceeding twenty pounds or, in the case of a second or subsequent conviction, to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months.

(4) The holder of a public service vehicle licence who has made or caused to be made such a record as aforesaid shall preserve it for a period of six months from the date on which it is made and shall, if required so to do at any time during that period, produce it for inspection by any person authorised by any traffic commissioners, on production if so required of that person's authority, and if he fails so to preserve or produce it he shall be liable on summary conviction to such punishment as is specified in the last foregoing sub-paragraph.

(5) If, with intent to deceive, any person alters an entry in a record made under this paragraph he shall be liable—

- (a) on conviction on indictment to imprisonment for a term not exceeding two years;
- (b) on summary conviction to imprisonment for a term not exceeding four months or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine.

(6) Any regulations made for the purposes of section twenty-five of the Act of 1934 and in force at the commencement of this Act shall continue in force as if made by virtue of this paragraph.

15. In this Schedule the expression "owner", in relation to a vehicle which is the subject of a hiring agreement or hire-purchase agreement, means the person in possession of the vehicle under that agreement.

## SEVENTH SCHEDULE

Section 42.

### SUPPLEMENTARY PROVISIONS IN CONNECTION WITH PROCEEDINGS FOR OFFENCES UNDER SECTION FORTY-TWO

1.—(1) A person against whom proceedings are brought in England or Wales for an offence under section forty-two of this Act (hereinafter referred to as "the principal section") 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

7TH SCH.  
—cont.

any person to whose act or default he alleges that the contravention of that section was due brought before the court in the proceedings : and if, after the contravention has been proved, the original accused 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 accused further proves that he has used all due diligence to secure that that section was complied with, he shall be acquitted of the offence.

(2) Where an accused seeks to avail himself of the provisions of the last foregoing sub-paragraph—

- (a) the prosecution, as well as the person whom the accused 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 :
- (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 that an offence under the principal section has been committed in respect of which proceedings might be taken in England or Wales against some person (hereinafter referred to as “the original offender”), and a person proposing to take proceedings in respect of the offence is reasonably satisfied that the offence of which complaint is made was due to an act or default of some other person, being an act or default which took place in England or Wales, and that the original offender could establish a defence under sub-paragraph (1) of this paragraph, the proceedings may be taken against that other person without proceedings first being taken against the original offender.

In any such proceedings the accused 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 original offender might have been charged.

2.—(1) Where proceedings are brought in England or Wales against any person (hereafter in this paragraph referred to as “the accused”) in respect of a contravention of the principal section, and it is proved—

- (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, and
- (b) that the accused used all due diligence to secure compliance with that section,

the accused shall, subject to the provisions of this paragraph, be acquitted of the offence.

(2) The accused shall not be entitled to be acquitted under this paragraph 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 paragraph.

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.

7TH SCH.  
—cont.

(3) The person specified in a notice served under this paragraph 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 principal section was due to the act or default of some person other than the accused, being an act or default which took place in Scotland, the court shall (whether or not the accused is acquitted) cause notice of the proceedings to be sent to the Minister.

3.—(1) Where a contravention of the principal section committed by any person in Scotland was due to an act or default of any other person, being an act or default which took place in Scotland, then, whether proceedings are or are not taken against the first-mentioned person, that other person may be charged with and convicted of the contravention and shall be liable on conviction to the same punishment as might have been inflicted on the first-mentioned person if he had been convicted of the contravention.

(2) Where a person who is charged in Scotland with a contravention of the principal section proves to the satisfaction of the court that he has used all due diligence to secure that the provision in question was complied with and that the contravention was due to the act or default of some other person, the first-mentioned person shall be acquitted of the contravention.

4.—(1) Subject to the provisions of this paragraph, in any proceedings (whether in England or Wales or Scotland) for an offence under the principal section it shall be a defence for the accused to prove—

- (a) that he purchased the helmet in question as being of a type which under the principal section could be lawfully sold or offered for sale, 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 not of such a type, and
- (c) that it was then in the same state as when he purchased it.

(2) A warranty shall only be a defence in any such proceedings if—

(a) the accused—

(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 accused proves that he had taken

7TH SCH.  
—cont.

reasonable steps to ascertain, and did in fact believe in, the accuracy of the statement contained therein.

(3) Where the accused is a servant of the person who purchased the helmet in question 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 accused.

(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.—(1) An accused who in any proceedings for an offence under the principal section wilfully applies to any helmet a warranty not given in relation to that helmet shall be guilty of an offence.

(2) A person who, in respect of any helmet sold by him, being a helmet in respect of which a warranty might be pleaded under the last foregoing paragraph, 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) Any person guilty of an offence under this paragraph shall be liable on summary conviction to the like penalties as under the principal section.

(4) Where the accused in a prosecution for an offence under the principal section relies successfully on a warranty given to him or to his employer, any proceedings under sub-paragraph (2) of this paragraph in respect of the warranty may, at the option of the prosecutor, be taken either before a court having jurisdiction in the place where the helmet, or any of the helmets, to which the warranty relates was procured, or before a court having jurisdiction in the place where the warranty was given.

## Section 51.

## EIGHTH SCHEDULE

### MINOR AND CONSEQUENTIAL AMENDMENTS

1. The following enactments, that is to say—

- (a) section six of the Locomotive Act, 1861 (which restricts the use of locomotives over suspension and other bridges),
- (b) section seven of that Act (which relates to the making good of damage to bridges caused by locomotives or their trailers), and
- (c) section seven of the Locomotives Act, 1898 (which enables owners of locomotives to appeal against restrictions on passing over bridges), and section eight of that Act (which prohibits locomotives being driven so as to pass one another on bridges),

shall cease to have effect.

2.—(1) Section one hundred and four of the Roads and Bridges (Scotland) Act, 1878 (which enables local authorities to make by-laws for the regulation of traffic on highways) shall cease to have effect.

(2) Schedule (C) to that Act shall have effect, in relation to a vehicle to which section three of the Act of 1930 applies, as if in section XCVI (which provides penalties for persons committing various nuisances on highways) the words "or more than one foot laterally beyond the wheel of such carriage", and section CVIII, were omitted.

3. In the Burgh Police (Scotland) Act, 1892, paragraph (50) of section three hundred and eighty-one (which provides for the labelling of carriages and carts) shall cease to have effect in relation to vehicles to which section three of the Act of 1930 applies, and paragraphs (1) and (3) of section three hundred and eighty-five shall cease to have effect.

4.—(1) In subsection (1) of section ten of the London Traffic Act, 1924 (which, as amended by section sixty-three of the London Passenger Transport Act, 1933, enables the Minister to make regulations with respect to road traffic in the London Traffic Area) after the word "load", in the second place where it occurs, there shall be inserted the words "the number of passengers the vehicle is adapted to carry".

(2) In paragraph (2) of the Third Schedule to the said Act of 1924 (which specifies the matters with respect to which regulations may be made under the said section ten) after the word "traffic" there shall be inserted the words "by vehicles, or".

(3) For the purposes of the said section ten and the said Third Schedule the expression "road" means any highway and any other road to which the public has access.

5. In subsection (1) of section twenty-three of the Public Health Act, 1925 (which confers powers on local authorities with respect to the lopping of trees, hedges and shrubs overhanging streets or footpaths) references to trees, hedges, and shrubs shall include references to vegetation of any description, and for the words "street or footpath" there shall be substituted the words "highway or any other road or footpath to which the public has access".

6.—(1) Regulations under the Road Transport Lighting Acts, 1927 to 1953, granting exemptions from any of the requirements of those Acts—

- (a) may grant exemptions therefrom in such cases as may be specified in the regulations and subject to such conditions as may be specified in or under the regulations; and
- (b) may make different provision as respects different areas, as respects different classes or descriptions of vehicles or as respects the same class or description of vehicles in different circumstances.

(2) For paragraph (b) of subsection (2) of section one of the Road Transport Lighting Act, 1927 (which subsection provides for exempting vehicles from the requirements of that Act) there shall be substituted the following paragraph:—

"(b) vehicles standing or parked on any road with respect to which a speed limit on the driving of mechanically propelled vehicles is in force by virtue of any enactment, or on any road verge or in any parking place or any stand for hackney carriages."

**8TH SCH.**  
—*cont.*

(3) In relation to a road with respect to which an exemption under the said paragraph (b) has effect (whether absolutely or subject to conditions) the power conferred by subsection (1) of section forty-eight of the Act of 1930 of placing traffic signs indicating the existence of the exemption shall, if the local authority for the area in which the road is situated is not the highway authority for the road, be exercisable by the local authority with the consent of the highway authority, and the power conferred by subsection (5) of that section of giving to the highway authority directions for the removal of a traffic sign or other object or device or for the replacement of a traffic sign by, or its conversion into, a sign of another type or character shall include power to give such directions to the local authority in relation to a traffic sign, object or device placed by them on or near any such road.

In this sub-paragraph "local authority" means, as respects England and Wales, the council of a county borough, county district, metropolitan borough or the Common Council of the City of London, and as respects Scotland a county council or town council.

(4) Any provision contained in regulations under the Road Transport Lighting Acts, 1927 to 1953, which grant exemptions from any of the requirements of those Acts and are in force at the coming into operation of this paragraph shall have effect as if made under those Acts as amended by this paragraph.

7.—(1) The Minister may by regulations provide that, subject to any exemptions prescribed by the regulations,—

- (a) where the length of a vehicle, or the overall length of two or more vehicles of which one is drawing the other or others, inclusive of any load on the vehicle or vehicles, exceeds a length so prescribed, the vehicle or vehicles shall when on a road during the hours of darkness carry such lamps or reflectors each showing a light, or as the case may be facing, to the side as may be so prescribed ;
- (b) a vehicle constructed or adapted so as to be drawn by another vehicle shall when on a road during the hours of darkness carry such lamps each showing a light to the front or the side, or both, as may be prescribed ;

and any such regulations may prescribe the conditions with which lamps or reflectors carried on a vehicle in pursuance of the regulations must comply and the position and manner in which they are to be attached, and may make different provision in respect of vehicles of different classes or descriptions, or in respect of vehicles of the same class or description in different circumstances.

(2) Section ten of the Road Transport Lighting Act, 1927 (which imposes penalties for contraventions of that Act or of regulations thereunder) and section fourteen of that Act (which specifies the vehicles to which that Act applies and applies the Act to the Crown) shall apply in relation to this paragraph and regulations thereunder as they apply in relation to that Act and regulations thereunder.



(3) Any lamps or reflectors required to be carried by virtue of this paragraph shall be carried in addition to, and not instead of, those required to be carried by or by virtue of the Road Transport Lighting Acts, 1927 to 1953, and accordingly any such lamps or reflectors shall, for the purposes of those Acts and, in particular, section two of the said Act of 1927 and for the purposes of section eight of the Act of 1934, be treated as not showing a light to the front or to the rear.

8TH SCH.  
—cont.

(4) Any reference in section nineteen of the Act of 1934 to the Road Transport Lighting Acts, 1927 to 1953, shall include a reference to this paragraph.

(5) It is hereby declared that any reference in section one of the Road Transport Lighting Act, 1953, to a reflector is a reference to a reflector facing to the rear.

(6) The power to make regulations conferred by this paragraph shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

8.—(1) In section six of the Road Transport Lighting Act, 1927, in sub-paragraph (b) of paragraph (iii) (which provides that agricultural vehicles and implements need not carry a separate lamp showing a red light to the rear) the word “separate” shall be omitted.

(2) In section eight of the said Act of 1927, in paragraph (i) of the proviso to subsection (1) (which provides, in the case of a vehicle drawing one or more other vehicles, that if the distance between any such vehicles exceeds five feet each vehicle shall be required to carry the same lamps as if it were not drawing or being drawn) for the words from “any such” to “being drawn” there shall be substituted the words “any two of the vehicles exceeds five feet, then as respects any light to be shown to the rear the foremost of the two vehicles, and as respects any light to be shown to the front the rearmost of the two vehicles, shall be required to carry the same lamps as if the one were not drawing the other”.

9.—(1) In subsection (1) of section two of the Act of 1930 (which provides for the classification of motor vehicles) the words from “Motor vehicles” to “classes” shall cease to have effect, and in each paragraph of that subsection the words from “that is to say” to the end of the paragraph in that subsection shall be construed as a definition for the purposes of that Act of the expression immediately preceding those words; and in paragraphs (d) to (f) of the said subsection (1) for the words “classified under this section as” there shall be substituted the words “falling within the definition contained in this subsection of”.

(2) Subsection (2) of the said section two (which empowers regulations to be made sub-dividing classes of vehicles, and making different provisions with respect to each sub-division, and varying maximum or minimum weights fixed as respects any class) shall cease to have effect, but regulations under section thirty of the Act of 1930 may vary

8TH SCH.  
—cont.

any of the maximum or minimum weights specified in the definitions contained in subsection (1) of the said section two, either generally or in the case of vehicles of any class or description specified in the regulations and either for the purposes of the Act and of all regulations thereunder or for such of those purposes as may be so specified.

(3) The Motor Vehicles (Definition of Motor Cars) Regulations, 1941 shall cease to have effect, but subject to the power conferred by the last foregoing sub-paragraph the definition of “motor cars” in subsection (1) of section two of the Act of 1930 shall include vehicles constructed or adapted for use for the conveyance of goods or burden of any description—

- (a) which carry a container or containers for holding for the purpose of their propulsion any fuel that is wholly gaseous at sixty degrees Fahrenheit under a pressure of thirty inches of mercury, or plant and materials for producing such fuel, and of which the maximum weight unladen does not exceed three and a half tons,
- (b) which do not carry any such container, or plant and materials, as aforesaid, and of which the maximum weight unladen does not exceed three tons ;

and in paragraph (b) of subsection (4) of section two of the Act of 1930 after the word “load” there shall be inserted the words “or goods or burden of any description”.

(4) In subsection (3) of section four of the Act of 1930 (which provides for specifying in driving licences restrictions with respect to the driving of any class of vehicles) after the word “class” there shall be inserted the words “or description”.

(5) Nothing in subsection (4) of section ten of the Act of 1930 (which empowers the Minister by regulation to vary the provisions of the First Schedule to that Act) shall be construed as limiting the powers conferred by sub-paragraph (2) of this paragraph.

10. In subsection (2) of section five of the Act of 1930 (which requires a licensing authority to refuse a driving licence if it appears from the application that the applicant suffers from any of the specified diseases and disabilities) after the word “appears”, where it first occurs, there shall be inserted the words “or if on inquiry into other information the licensing authority are satisfied”.

11. In subsection (2) of section six of the Act of 1930 (which provides that a court may, pending the appeal for which provision is made by that subsection, suspend the operation of the order disqualifying a person for holding or obtaining a licence to drive a motor vehicle) for the words “the court may” to the end of the subsection there shall be substituted the words “a court by or before whom a person is convicted of an offence whereby he is so disqualified (whether by virtue of the conviction or by an order of the court) may, if it thinks fit, pending the appeal against the conviction or order suspend the disqualification”.

12.—(1) In paragraph (a) of subsection (1) of section eleven of the Act of 1930 for the words from “fifty” to “aforesaid” there shall be substituted the words “one hundred pounds or to imprisonment for a term not exceeding in the case of a first conviction four, and in the case of a second or subsequent conviction six, months”.

8TH SCH.  
—cont.

(2) In subsection (3) of the said section eleven for the words “having regard to the lapse of time” there shall be substituted the words “by reason of three years or more having elapsed” and at the end of that subsection there shall be added the words—

“The disqualification required to be imposed by this subsection shall be for a period of not less than nine months unless more than three years have elapsed since the offender’s last conviction under this section”.

(3) In section twelve of the said Act, at the end of subsection (1) there shall be added the words “and liable to a fine not exceeding forty pounds, and in the case of a second or subsequent conviction to a fine not exceeding eighty pounds or to imprisonment for a term not exceeding three months or to both such fine and imprisonment”; and in subsection (2) the words “or second”, the words “in the case of a first conviction” and the words “or in the case of a second conviction, three months” shall be omitted.

(4) In subsection (1) of section fifteen of the said Act, in paragraph (a) for the words from “fifty” to “aforesaid” there shall be substituted the words “one hundred pounds or to imprisonment for a term not exceeding in the case of a first conviction four, and in the case of a second or subsequent conviction six, months.”; and in paragraph (b) for the words “six months” there shall be substituted the words “two years”.

(5) In section forty-six of the said Act, in subsection (6) for the words from “five pounds” to the end of the subsection there shall be substituted the words “twenty pounds, and in the case of a second or subsequent conviction to a fine not exceeding fifty pounds”.

13. In section eleven of the Act of 1930, in subsection (4) (which relates to the disqualification of persons aiding or abetting offences under that section), for the word “and” there shall be substituted the words “then unless” and for the words from “the offence of” to the end of the subsection there shall be substituted the words “the provisions of this Part of this Act as to disqualification for holding or obtaining licences shall not apply to his conviction of that offence”.

14. In section fourteen of the Act of 1930, in subsection (1) for the word “footway” there shall be substituted the word “footpath”, and at the end of that section there shall be added the following subsection:—

“(3) In this section the expressions ‘bridleway’ and ‘footpath’ have the same meanings as in the Road Traffic Act, 1956.”

15. In subsection (1) of section twenty-two of the Act of 1930 (which imposes on the driver of a motor vehicle on a road a duty

8TH SCH.  
—cont.

to stop on the occurrence of certain accidents and, if required, to give his name and address) for the words “whereby damage or injury is caused to any person, vehicle or animal” there shall be substituted the words “whereby personal injury is caused to any person other than the driver of that motor vehicle or damage is caused to any vehicle other than that motor vehicle or a trailer drawn thereby or to any animal other than an animal in or on that motor vehicle or a trailer drawn thereby.”

16.—(1) In paragraph (b) of the proviso to subsection (1) of section three of the Act of 1930 for the words “specified in the order” there shall be substituted the words “specified by or under the order”, after the words “tests or trials” there shall be inserted the words “of vehicles or trailers, or types of vehicles or trailers, constructed for use outside the United Kingdom”, and at the end of the paragraph there shall be added the words “or of motor vehicles and trailers equipped with new or improved equipment or types of equipment”.

(2) The Minister may by order make provision for securing that, subject to such restrictions and conditions as may be specified by or under the order, regulations under section thirty of the Act of 1930 shall have effect, in their application to such vehicles, trailers and types thereof as are mentioned in the said paragraph (b), subject to such modifications or exceptions as may be specified in the order.

(3) Any such provision as aforesaid contained in an order of the Minister in force at the coming into operation of this paragraph shall have effect as if made in the exercise of the powers conferred thereby.

17. After paragraph (g) of subsection (1) of section thirty of the Act of 1930 there shall be inserted the following paragraph:—

“(g) the testing and inspection, by persons authorised by or under the regulations, of the brakes, silencers, steering gear, tyres, lighting equipment and reflectors of motor vehicles and trailers on any premises where they are, subject however to the consent of the owner of the premises.”

18. The Minister may cause copies of any edition of the Highway Code to be sold to the public at such price as he may determine, and accordingly in subsection (3) of section forty-five of the Act of 1930 the words “at a price not exceeding one penny for each copy” shall cease to have effect.

19. The power to make regulations conferred by section fifty-nine of the Act of 1930 shall include power to make regulations applying in such circumstances only as may be specified in the regulations.

20. In section sixty of the Act of 1930 (which provides for the application of Part III of that Act to Scotland), for paragraphs (a) and (b) there shall be substituted the following paragraph:—

“(a) Section forty-six of this Act shall apply to a county council and to a town council”.

21. In section sixty-four of the Act of 1930, in subsection (1) (which provides for the holding by the traffic commissioners of public sittings in such places in any part of their area as appears to them convenient), for the words "in any part of their area as appears" there shall be substituted the words "as appear".

8TH SCH.  
—cont.

22.—(1) In section sixty-eight of the Act of 1930, in subsection (1), in the proviso to subsection (2) and in subsection (4), after the words "conditions as to fitness" there shall be inserted the words "or such of those conditions as are not dispensed with by an order of the Minister for the time being in force".

(2) After the said subsection (1) there shall be inserted the following subsections:—

"(1A) An order dispensing with any of the prescribed conditions as to fitness—

- (a) shall not be made except where it appears to the Minister expedient so to do for the purpose of the making of tests or trials of a vehicle or its equipment;
- (b) shall specify the period for which the order is to continue in force;
- (c) may contain, or authorise the imposition of, requirements, restrictions or prohibitions relating to the construction, equipment or use of the vehicle as respects which the order is made,

and any such order as aforesaid may be varied or revoked by the Minister.

(1B) Where any such order as aforesaid is revoked or otherwise ceases to have effect, any certificate of fitness issued by virtue of the order shall cease to be in force.

(1C) Where a certificate of fitness is issued by virtue of such an order as aforesaid and relates to a vehicle as respects which any previous certificate of fitness is in force, the previous certificate shall thereupon cease to be in force."

(3) In subsection (3) of the said section sixty-eight after the word "being" there shall be inserted the words "except in the case of a certificate granted by virtue of an order dispensing with any of the prescribed conditions as to fitness".

(4) In section seventy-one of the Act of 1930, in subsection (4), after the words "conditions as to fitness" there shall be inserted the words "or such of those conditions as are not dispensed with by an order of the Minister under section sixty-eight of this Act for the time being in force."

23. Subsection (3) of section sixty-eight of the Act of 1930 (which provides that a certificate of fitness, unless previously revoked or cancelled, shall continue in force for five years or such shorter period as may be specified in the certificate) shall have effect with the substitution of the words "seven years" for the words "five years".

24. Section seventy-nine of the Act of 1930 (which relates to procedure on applications for licences) shall apply to applications for the exercise by the commissioners of their power to vary the conditions attached to licences and to the determination of

8TH SCH.  
—cont.

questions in connection with the exercise of that power, and after the word "objections" there shall be inserted the words "or other representations with respect to the determination of such questions".

25.—(1) A local authority shall not be entitled to appeal to the Minister under section eighty-one of the Act of 1930 against the grant of a road service licence or any condition attached to such a licence, or against any variation of the conditions attached to such a licence, unless the licence relates to a route situated wholly or partly in the area of the authority.

(2) A person providing transport facilities shall not be entitled under the said section eighty-one to appeal to the Minister against any of the matters aforesaid unless the road service licence relates to a route along or near which or some part of which he is providing transport facilities.

(3) Subject to the foregoing provisions of this paragraph, the rights conferred by the said section eighty-one to appeal if aggrieved by the imposition or attachment of a condition shall include rights to appeal against a refusal to impose or attach a condition or the imposition or attachment of a condition differing from that desired, and the rights conferred by that section to appeal if aggrieved by the variation of conditions shall include rights to appeal if aggrieved by the variation differing from that desired.

(4) In paragraph (b) of subsection (1) of the said section eighty-one for the words from "opposed" to "licence" there shall be substituted the words "made objections or other representations with respect to the grant of a road service licence or the variation of the conditions attached thereto".

(5) In paragraph (e) of the said subsection (1) for the word "proposed" there shall be substituted the word "imposed".

(6) In subsection (2) of the said section eighty-one for the words "(including an order revoking a licence)" there shall be substituted the words "for giving effect to his decision on the appeal".

(7) Regulations of the Minister relating to appeals under the said section eighty-one may contain provision whereby the holder of a road service licence who appeals to the Minister is enabled to exclude, wholly or partly, the operation of subsection (4) of that section (which provides that on an appeal against the variation of the conditions of a licence the variations shall not have effect until the appeal has been disposed of).

26. Nothing in section ninety-five of the Act of 1930 (which restricts the institution of proceedings for an offence under Part IV of that Act) shall affect the institution of proceedings for an offence under section seventy-five of that Act (which relates to the keeping of accounts and records and the making of returns) by or on behalf of the Minister.

27. Subsection (2) of section one hundred and eleven of the Act of 1930 (which provides for consultation with representative organisations before the making of regulations under that Act) shall apply to the making of regulations under this Act or the Road Transport Lighting Acts, 1927 to 1953; and subsection (4) of that section, and subsection (3) of section twenty-six of the Road and Rail Traffic Act,

1933 (which provide that production of a copy of regulations purporting to be printed by the Government printers shall be evidence that the requirements of the Act as to the making and laying of regulations have been complied with) shall cease to have effect.

28. Section sixty-one of the London Passenger Transport Act, 1933 (which relates to approved routes) shall not apply to a vehicle so long as it is not a public service vehicle or is to be treated as a contract carriage by virtue of section forty of this Act.

29. In paragraph (k) of subsection (7) of section one of the Road and Rail Traffic Act, 1933 (which exempts from that section the use of a vehicle for any purpose specified in regulations, or the use for any purpose of a vehicle of any class or description so specified) for the words from “for any purpose specified” to the end there shall be substituted the words “, or of a vehicle of any class or description specified in regulations, for any purpose or for any purpose so specified”.

30.—(1) Regulations under section sixteen of the Road and Rail Traffic Act, 1933 (which relates to the keeping of records) may exempt the holder of the licence from recording information as respects himself when acting as driver or statutory attendant in such circumstances as may be specified in the regulations.

(2) Regulations under the said section sixteen may contain exemptions, applying in such cases and subject to such limitations as may be specified in the regulations, for vehicles used in the business of agriculture or vehicles used in the business of a travelling showman.

(3) Regulations under the said section sixteen may require separate information to be recorded as to the time spent by a person in work in connection with the vehicle or its load, or such description of such work as may be specified in the regulations, and the time spent by him in other work.

(4) Any such exemption or requirement as aforesaid contained in regulations under the said section sixteen in force at the coming into operation of this paragraph shall have effect as if made in the exercise of the powers conferred thereby.

31. The power of the Minister under section twenty-five of the Road and Rail Traffic Act, 1933, to make regulations with respect to the means by which vehicles are to be identified as being authorised vehicles shall include power to require that any such means of identification prescribed for a vehicle shall be carried notwithstanding that for the time being the vehicle is not being used for a purpose for which a licence under the said Act of 1933 is required.

32. Section thirty of the Road and Rail Traffic Act, 1933, shall come into operation on the coming into operation of this paragraph.

33. In subsection (4) of section one of the Act of 1934 (which confers power to revoke directions defining built-up areas) after the words “may be revoked” there shall be inserted the words “or varied”.

34.—(1) The provisions of the four next following sub-paragraphs shall have effect in substitution for subsections (5) and (6) of section

8TH SCH.  
—cont.

one of the Act of 1934 (which empower the Minister to make, in default of action by the local authority, orders removing the thirty mile an hour speed limit as respects any length of road and to revoke such orders); but any order in force under the said subsection (5) at the commencement of this paragraph shall continue in force as if made under this paragraph and may be revoked or varied accordingly.

(2) The Minister may give notice to the local authority, as respects any length of road outside the London Traffic Area (as constituted by the London Traffic Act, 1924) which is deemed to be a road in a built-up area, that he has under consideration the question whether a direction should be given that it shall be deemed not to be such a road, or that a direction for the time being in force that it shall be deemed to be such a road should be revoked or varied.

(3) Where such a notice has been given, then if within the time limited by the notice the local authority so require the Minister shall, and in any case he may, hold a local inquiry, and subject as aforesaid may by order give, or revoke or vary, the direction, as the case may be.

(4) A direction given by an order under the last foregoing sub-paragraph may be revoked or varied by a subsequent order made in the like manner.

(5) Section forty-seven of the Road and Rail Traffic Act, 1933 shall apply in relation to inquiries held under sub-paragraph (3) of this paragraph as it applies to inquiries held for the purposes of that Act.

(6) The provisions of the four last foregoing sub-paragraphs shall apply in relation to such directions as are authorised by subsection (4) of section four of this Act as they apply in relation to directions that a length of road shall be deemed not to be a road in a built-up area.

(7) For the avoidance of doubt it is hereby declared that nothing in this paragraph applies to any length of trunk road.

(8) In the application of this paragraph to Scotland, for any reference to the Minister there shall be substituted a reference to the Secretary of State.

35. In subsection (3) of section six of the Act of 1934 (which confers power to disqualify an offender until he has undergone a driving test) after the words "careless driving)" there shall be inserted the words "or under section fifteen of the principal Act (which relates to driving under the influence of drink or a drug), being an offence committed in respect of a motor vehicle".

36. The maximum for the fee which may be specified in regulations under paragraph (b) of subsection (5) of section six of the Act of 1934 (which provides for the payment of fees by persons submitting themselves to driving tests) shall be increased to one pound; and accordingly in that paragraph for the words "ten shillings" there shall be substituted the words "one pound".

37. In section twenty-six of the Act of 1934 (which makes special provision as to the carriage of passengers in motor vehicles belonging to associations) for the words "the principal Act and this Act" there shall be substituted the words "the provisions of the Road Traffic Act, 1956 relating to public service vehicles".



38. For subsection (1) of section three of the Road Traffic (Driving Licences) Act, 1936 (which provides that a driving licence granted on a test of competence to drive prescribed for a specified class or description of vehicles shall specify that class or description and that the person to whom it is granted shall be deemed not to be the holder of a driving licence for vehicles of any other class or description) there shall be substituted the following subsection:—

“(1) A licence (other than a provisional licence) granted under Part I of the Road Traffic Act, 1930, shall specify whether the licence authorises the holder to drive motor vehicles of all classes or descriptions or of certain classes or descriptions only, and in the latter case—

- (a) the licence shall specify the classes or descriptions of vehicles which it authorises the holder to drive, and
- (b) the holder shall be deemed not to be the holder of a licence granted under that Part of that Act to drive motor vehicles of any other class or description.”

39. The Superannuation Acts, 1834 to 1950, shall apply to persons holding the office of chairman of the traffic commissioners established for each traffic area by section sixty-three of the Act of 1930, or of traffic commissioner for the metropolitan traffic area appointed under section ninety-eight of that Act, without modification; and section two of the Chairmen of Traffic Commissioners, &c. (Tenure of Office) Act, 1937 (which applied the Superannuation Acts, 1834 to 1935, to the said chairmen subject to certain modifications) shall cease to have effect.

40. Section one hundred and seventeen of the Transport Act, 1947 (which provides that traffic commissioners appointed for any area under Part IV of the Act of 1930 shall be known as the Licensing Authority for Public Service Vehicles, and that the licensing authority for the purposes of Part I of the Road and Rail Traffic Act, 1933, shall be known as the Licensing Authority for Goods Vehicles) shall cease to have effect; and accordingly, as from the coming into operation of this paragraph,—

- (a) traffic commissioners appointed under the said Part IV for any area other than the metropolitan traffic area shall be known as Traffic Commissioners for the area for which they are appointed, and the traffic commissioner appointed for the metropolitan traffic area shall be known as the Traffic Commissioner for the Metropolitan Traffic Area; and
- (b) the authority charged with the duty of granting licences under Part I of the Road and Rail Traffic Act, 1933 shall be known as the Licensing Authority.

41. In subsection (2) of section twelve of the Education (Miscellaneous Provisions) Act, 1953 (which relates to motor vehicles used for providing transport for pupils) for the words from “shall not” to “express carriage” there shall be substituted the words—

- “(a) if belonging to a local education authority, shall not for the purposes of Part IV of the Road Traffic Act, 1930 be treated as carrying passengers for hire or reward;
- (b) if not belonging to a local education authority, shall not for those purposes be treated as carrying passengers at separate fares.”

## Section 55.

## NINTH SCHEDULE

## ENACTMENTS REPEALED

| Session and Chapter       | Short Title                                 | Extent of Repeal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|---------------------------|---------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 24 & 25 Vict.<br>c. 70.   | The Locomotive Act, 1861.                   | Sections six and seven.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 41 & 42 Vict.<br>c. 51.   | The Roads and Bridges (Scotland) Act, 1878. | Section one hundred and four.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 53 & 54 Vict.<br>c. 59.   | The Public Health Acts Amendment Act, 1890. | In section thirty-nine, the words "or places of refuge" and the words from "or for the purpose" to the end of the section.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 55 & 56 Vict.<br>c. 55.   | The Burgh Police (Scotland) Act, 1892.      | In section three hundred and eighty-five, paragraphs (1) and (3).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 61 & 62 Vict.<br>c. 29.   | The Locomotives Act, 1898.                  | The whole Act, so far as still in force.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 3 Edw. 7. c. 33           | The Burgh Police (Scotland) Act, 1903.      | In section fourteen, the words "or may provide island platforms for pedestrians".                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 17 & 18 Geo. 5.<br>c. 37. | The Road Transport Lighting Act, 1927.      | In section one, in subsection (2), the words "and subject to such conditions as may be specified in the regulation" and the words "or vehicles of any class or description", and in subsection (4), the words from "(a) as respects" to "the year"; in section six, in sub-paragraph (b) of paragraph (iii), the word "separate".                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 20 & 21 Geo. 5.<br>c. 43. | The Road Traffic Act, 1930.                 | In section two, in subsection (1), the words from the beginning to "classes" and subsections (2) and (3); in section six, in subsection (1), the proviso; in section seven, in subsection (3), the words from "at any time" to "to time"; in section eight, in subsection (6), the second paragraph; in section twelve, in subsection (2), the words "or second", "in the case of a first conviction" and "or, in the case of a second conviction, three months"; in section fifteen, in subsection (1), the words "or when in charge of"; in section thirty, in paragraph (g) of subsection (1), the words from "and for empowering" to the end of the paragraph; in section thirty-five, in subsection (2), the words from "and a person convicted" to the end of the subsection; in |

9TH SCH.  
—cont.

| Session and Chapter                                    | Short Title                                                                       | Extent of Repeal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|--------------------------------------------------------|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 20 & 21 Geo. 5.<br>c. 43.—cont.                        | The Road Traffic Act, 1930.—cont.                                                 | section forty-five, in subsection (3), the words from “ at a price ” to the end; in section forty-six, subsections (1) and (9); in section forty-eight, the proviso to subsection (4); in section fifty-five, the words from “ erect ” to “ road, and ”; in section fifty-seven, in subsection (2), the words “ places of refuge in roads, and ”; in section forty-eight, in subsection (4), the proviso and in subsection (9) the words from “ Part ” to the third “ this ”; section sixty-one; in section one hundred and eleven, subsection (4); and in section one hundred and twenty-one, the definition of “ public service vehicle ”.                                                                                                                                                                    |
| 23 & 24 Geo. 5.<br>c. 14.<br>23 & 24 Geo. 5.<br>c. 53. | The London Passenger Transport Act, 1933.<br>The Road and Rail Traffic Act, 1933. | Section fifty-four; in section sixty-one, subsection (7).<br>In section two, subsection (5); in section eight, subsection (1); in section thirteen, in subsection (1), the words from “ or to the danger ” to “ breach ”; and in section twenty-six, subsection (3).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 24 & 25 Geo. 5.<br>c. 50.                              | The Road Traffic Act, 1934.                                                       | In section one, in subsection (4), the words “ notwithstanding that such a system of lighting as aforesaid is provided thereon ” and the words “ notwithstanding that such a system of lighting as aforesaid is not provided thereon ”, subsections (5) and (6), in subsection (7), in paragraph (b), the words “ under subsection (5) of this section ”, and subsections (8) and (10); in section five, in subsection (2), the words “ or second ”, “ in the case of a first conviction ” and “ or, in the case of a second conviction, three months ”; in section six, in subsection (1), the word “ either ” and the words from the first “ or ” to the end of the subsection; sections twenty-four and twenty-five; and in the Third Schedule, the entry relating to section eighty-one of the Act of 1930. |

9TH SCH.  
—cont.

| Session and Chapter               | Short Title                                                                 | Extent of Repeal                                                                                                                                                                                                                                        |
|-----------------------------------|-----------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 Edw. 8. &<br>1 Geo. 6.<br>c. 5. | The Trunk Roads Act,<br>1936.                                               | In the Second Schedule, in the entry relating to section forty-seven of the Act of 1930, the words "and (8)"; and in Part I of the Third Schedule, in the entry relating to section one of the Act of 1934, the words "Subsection (5) shall not apply". |
| 1 Edw. 8. &<br>1 Geo. 6. c. 44    | The Road Traffic Act,<br>1937.                                              | Section one.                                                                                                                                                                                                                                            |
| 1 Edw. 8. &<br>1 Geo. 6. c. 52    | The Chairmen of Traffic Commissioners, &c. (Tenure of Office) Act,<br>1937. | Section two.                                                                                                                                                                                                                                            |
| 10 & 11 Geo. 6.<br>c. 49.         | The Transport Act,<br>1947.                                                 | Section one hundred and seventeen.                                                                                                                                                                                                                      |
| 12, 13 & 14<br>Geo. 6. c. 97.     | The National Parks and Access to the Countryside Act, 1949.                 | In section ninety-three, subsection (7).                                                                                                                                                                                                                |
| 14 Geo. 6. c. 24.                 | The Highways (Provision of Cattle Grids) Act, 1950.                         | In section six, subsection (2) and subsection (3) so far as it relates to highway authorities.                                                                                                                                                          |
| 14 Geo. 6. c. 39.                 | The Public Utilities Street Works Act,<br>1950.                             | In section eight, in paragraph (b) of subsection (1), the words "and lighted", the word "general" and the words "subsection (1) of".                                                                                                                    |
| 1 & 2 Eliz. 2.<br>c. 21.          | The Road Transport Lighting Act, 1953.                                      | In section one, in subsection (5), the words from "and subject" to "the regulation" and the words "either generally or in any particular circumstances"; in section three, in subsection (3), the words "in any prescribed circumstances".              |
| 1 & 2 Eliz. 2.<br>c. 22.          | The Road Transport Lighting (No. 2) Act,<br>1953.                           | Section one.                                                                                                                                                                                                                                            |

Table of Statutes referred to in this Act

| Short Title                                                                | Session and Chapter              |
|----------------------------------------------------------------------------|----------------------------------|
| Metropolitan Police Act, 1839 ... ..                                       | 2 & 3 Vict. c. 47.               |
| Town Police Clauses Act, 1847 ... ..                                       | 10 & 11 Vict. c. 89.             |
| Locomotive Act, 1861 ... ..                                                | 24 & 25 Vict. c. 70.             |
| Offences against the Person Act, 1861 ... ..                               | 24 & 25 Vict. c. 100.            |
| Metropolitan Streets Act, 1867... ..                                       | 30 & 31 Vict. c. 134.            |
| Court of Session Act, 1868 ... ..                                          | 31 & 32 Vict. c. 100.            |
| Metropolitan Public Carriage Act, 1869 ... ..                              | 32 & 33 Vict. c. 115.            |
| Licensing Act, 1872 ... ..                                                 | 35 & 36 Vict. c. 94.             |
| Roads and Bridges (Scotland) Act, 1878 ... ..                              | 41 & 42 Vict. c. 51.             |
| Public Health Acts Amendment Act, 1890 ... ..                              | 53 & 54 Vict. c. 59.             |
| Burgh Police (Scotland) Act, 1892 ... ..                                   | 55 & 56 Vict. c. 55.             |
| Light Railways Act, 1896 ... ..                                            | 59 & 60 Vict. c. 48.             |
| Locomotives Act, 1898 ... ..                                               | 61 & 62 Vict. c. 29.             |
| Burgh Police (Scotland) Act, 1903 ... ..                                   | 3 Edw. 7. c. 33.                 |
| Motor Car Act, 1903 ... ..                                                 | 3 Edw. 7. c. 36.                 |
| Development and Road Improvement Funds Act, 1909 ... ..                    | 9 Edw. 7. c. 47.                 |
| Ministry of Transport Act, 1919 ... ..                                     | 9 & 10 Geo. 5. c. 50.            |
| Roads Act, 1920 ... ..                                                     | 10 & 11 Geo. 5. c. 72.           |
| London Traffic Act, 1924 ... ..                                            | 14 & 15 Geo. 5. c. 34.           |
| Public Health Act, 1925... ..                                              | 15 & 16 Geo. 5. c. 71.           |
| Parks Regulation (Amendment) Act, 1926 ... ..                              | 16 & 17 Geo. 5. c. 36.           |
| Coroners (Amendment) Act, 1926 ... ..                                      | 16 & 17 Geo. 5. c. 59.           |
| Road Transport Lighting Act, 1927 ... ..                                   | 17 & 18 Geo. 5. c. 37.           |
| Road Traffic Act, 1930 ... ..                                              | 20 & 21 Geo. 5. c. 43.           |
| London Passenger Transport Act, 1933 ... ..                                | 23 & 24 Geo. 5. c. 14.           |
| Local Government Act, 1933 ... ..                                          | 23 & 24 Geo. 5. c. 51.           |
| Road and Rail Traffic Act, 1933 ... ..                                     | 23 & 24 Geo. 5. c. 53.           |
| Road Traffic Act, 1934 ... ..                                              | 24 & 25 Geo. 5. c. 50.           |
| Road Traffic (Driving Licences) Act, 1936 ... ..                           | 26 Geo. 5. & 1 Edw. 8.<br>c. 23. |
| Chairmen of Traffic Commissioners, &c. (Tenure of Office) Act, 1937 ... .. | 1 Edw. 8. & 1 Geo. 6. c. 52.     |
| Street Playgrounds Act, 1938 ... ..                                        | 1 & 2 Geo. 6. c. 37.             |
| Road Traffic (Driving Licences) Act, 1947 ... ..                           | 10 & 11 Geo. 6. c. 8.            |
| Local Government (Scotland) Act, 1947 ... ..                               | 10 & 11 Geo. 6. c. 43.           |
| Transport Act, 1947 ... ..                                                 | 10 & 11 Geo. 6. c. 49.           |
| Local Government Act, 1948 ... ..                                          | 11 & 12 Geo. 6. c. 26.           |
| Criminal Justice Act, 1948 ... ..                                          | 11 & 12 Geo. 6. c. 58.           |
| Vehicles (Excise) Act, 1949 ... ..                                         | 12, 13 & 14 Geo. 6. c. 89.       |
| Justices of the Peace Act, 1949 ... ..                                     | 12, 13 & 14 Geo. 6. c. 101.      |
| Public Utilities Street Works Act, 1950 ... ..                             | 14 Geo. 6. c. 39.                |
| Road Transport Lighting Act, 1953 ... ..                                   | 1 & 2 Eliz. 2. c. 21.            |
| Education (Miscellaneous Provisions) Act, 1953 ... ..                      | 1 & 2 Eliz. 2. c. 33.            |
| School Crossing Patrols Act, 1953 ... ..                                   | 1 & 2 Eliz. 2. c. 45.            |
| Local Government (Financial Provisions) (Scotland) Act, 1954 ... ..        | 2 & 3 Eliz. 2. c. 13.            |

**CHAPTER 68***Restrictive Trade Practices Act, 1956*

## ARRANGEMENT OF SECTIONS

## PART I

REGISTRATION AND JUDICIAL INVESTIGATION OF RESTRICTIVE  
TRADING AGREEMENTS*Establishment of Registrar and Restrictive Practices Court*

## Section

1. Appointment and functions of Registrar.
2. Establishment of Restrictive Practices Court.
3. Nomination of judges as members of Court.
4. Appointment of other members of Court.
5. Provision for increasing number of members of Court.

*Registration of Agreements*

6. Agreements to which Part I applies.
7. Restrictions to be disregarded.
8. Excepted agreements.
9. Order of registration.
10. Particulars to be furnished for registration.
11. General provisions as to the register.
12. Power to remove insignificant agreements from the register.
13. Rectification of the register, etc.

*Supplementary provisions as to registration*

14. Power of Registrar to obtain information.
15. Power of High Court to order examination on oath.
16. Offences in connection with registration.
17. Commencement of proceedings and venue.
18. Powers of High Court in case of default in furnishing particulars.
19. Regulations for purposes of registration.

*Judicial investigation of registered Agreements*

20. Jurisdiction and powers of Restrictive Practices Court.
21. Presumption as to the public interest.
22. Variation of decisions of the Court.
23. Rules of procedure and representation of Registrar.

## PART II

## ENFORCEMENT OF CONDITIONS AS TO RESALE PRICES

24. Prohibition of agreements for collective enforcement of conditions as to resale prices.
25. Individual enforcement by legal proceedings of conditions as to resale prices.
26. Supplementary provisions.
27. Commencement of Part II.

## PART III

AMENDMENTS OF MONOPOLIES AND RESTRICTIVE PRACTICES ACTS,  
1948 and 1953, ETC.

28. Reconstitution of Monopolies Commission.
29. Future scope of references to Monopolies Commission.
30. Provisions as to orders of competent authorities under s. 10 of Act of 1948.
31. Provisions relating to export agreements.

## PART IV

## SUPPLEMENTAL

## Section

- 32. Provision for additional judges of High Court and Court of Session.
- 33. Restriction on disclosure of information.
- 34. Proceedings of Board of Trade.
- 35. Expenses, etc.
- 36. Interpretation.
- 37. Application to Northern Ireland.
- 38. Short title.

SCHEDULE—Supplementary provisions as to proceedings of Restrictive Practices Court.

An Act to provide for the registration and judicial investigation of certain restrictive trading agreements, and for the prohibition of such agreements when found contrary to the public interest; to prohibit the collective enforcement of conditions regulating the resale price of goods, and to make further provision for the individual enforcement of such conditions by legal proceedings; to amend the Monopolies and Restrictive Practices Acts, 1948 and 1953; to provide for the appointment of additional judges of the High Court and of the Court of Session; and for other purposes connected with the matters aforesaid.

[2nd August, 1956]

**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

REGISTRATION AND JUDICIAL INVESTIGATION OF RESTRICTIVE  
TRADING AGREEMENTS*Establishment of Registrar and Restrictive Practices Court*

1.—(1) For the purposes of this Part of this Act, Her Majesty may appoint an officer to be known as the Registrar of Restrictive Trading Agreements (in this Act referred to as "the Registrar"), who shall hold office during Her Majesty's pleasure. Appointment and functions of Registrar.

(2) The Registrar shall be charged with the duty of preparing, compiling and maintaining a register of agreements which are subject to registration under this Part of this Act, and of taking proceedings before the Court (subject to such directions as may be given by the Board of Trade with respect to the

**PART I**  
**—cont.**

order in which such proceedings are to be taken) in respect of the agreements of which particulars are from time to time entered or filed in the register.

(3) The Registrar may consult the Law Officers of the Crown through the Treasury Solicitor on any appropriate matter of doubt or difficulty arising in the execution of his duties.

(4) The Registrar may appoint such assistant registrars and such other officers and servants as he may, with the consent of the Treasury as to numbers and conditions of service, determine.

(5) The Registrar shall have an official seal for the authentication of documents required for purposes of this Part of this Act; and the Documentary Evidence Act, 1868, shall have effect as if the Registrar were included in the first column of the Schedule to that Act, as if the Registrar and any assistant registrar or other officer authorised to act on behalf of the Registrar were mentioned in the second column of that Schedule, and as if the regulations referred to in that Act included any document issued by the Registrar.

(6) There shall be paid to any person holding the office of Registrar such salary or other emoluments as may be determined by the Treasury.

(7) In the case of any such holder of the office of Registrar as may be determined by the Treasury, there shall be paid such pension, allowance or gratuity to or in respect of him on his retirement or death, or such contributions or other payments towards provision for such a pension, allowance or gratuity, as may be so determined.

(8) As soon as may be after the making of any determination under the last foregoing subsection, the Treasury shall lay before each House of Parliament a statement of the amount of the pension, allowance or gratuity or contributions or other payments towards pension, allowance or gratuity, as the case may be, payable in pursuance of the determination.

**Establishment  
of Restrictive  
Practices  
Court.**

2.—(1) For the purposes of this Part of this Act there shall be established a Court to be known as the Restrictive Practices Court (in this Part of this Act referred to as “the Court”).

(2) Subject to any order in force under section five of this Act, the Court shall consist of five judges nominated under section three of this Act, of whom one, to be selected by the Lord Chancellor, shall be President of the Court, and not more than ten other members appointed under section four of this Act.

(3) The Court shall be a superior court of record and have an official seal which shall be judicially noticed.

(4) The supplementary provisions set out in the Schedule to this Act shall have effect with respect to the proceedings of the Court.



(5) The Lord Chancellor may appoint such officers and servants of the Court as he may, with the approval of the Treasury as to numbers and conditions of service, determine; and the Superannuation Acts, 1834 to 1950, shall have effect as if service as an officer or servant of the Court were service in an established capacity in the permanent civil service of the State in an appointment held directly from the Crown.

**PART I**  
—cont.

3.—(1) Subject to any order in force under section five of this Act, the following judges shall be members of the Court, that is to say:—

Nomination  
of judges as  
members of  
Court.

- (a) three puisne judges of the High Court nominated from time to time by the Lord Chancellor;
- (b) one judge of the Court of Session nominated from time to time by the Lord President of that Court;
- (c) one judge of the Supreme Court of Northern Ireland nominated from time to time by the Lord Chief Justice of Northern Ireland.

(2) A judge of any court who is nominated under this section shall not be required to sit in any place outside the jurisdiction of that court, and shall be required to perform his duties as a judge of that court only when his attendance on the Restrictive Practices Court is not required.

(3) In the case of the temporary absence or inability to act of a judge nominated under this section, the Lord Chancellor, the Lord President of the Court of Session, or the Lord Chief Justice of Northern Ireland, as the case may be, may nominate another judge of the same court to act temporarily in his place, and a judge so nominated shall, when so acting, have all the functions of the judge in whose place he acts.

(4) No judge shall be nominated under this section except with his consent.

4.—(1) The members of the Court other than judges nominated under the last foregoing section may be appointed by Her Majesty on the recommendation of the Lord Chancellor, and any person recommended for appointment as such a member shall be a person appearing to the Lord Chancellor to be qualified by virtue of his knowledge of or experience in industry, commerce or public affairs.

Appointment  
of other  
members of  
Court.

(2) A member of the Court appointed under the foregoing subsection (in this section referred to as an appointed member) shall hold office for such period not less than three years as may be determined at the time of his appointment, and shall be eligible for reappointment:

Provided that—

- (a) an appointed member may at any time by notice in writing to the Lord Chancellor resign his office;

**PART I**  
**—cont.**

(b) the Lord Chancellor may, if he thinks fit, remove any appointed member for inability or misbehaviour, or on the ground of any employment or interest which appears to the Lord Chancellor incompatible with the functions of a member of the Court.

(3) In the case of the temporary absence or inability to act of an appointed member, the Lord Chancellor may appoint a temporary member, being a person appearing to him to be qualified as provided in subsection (1) of this section, to act in place of that member; and a temporary member shall, when so acting, have all the functions of an appointed member.

(4) There may be paid to the appointed members and to any temporary member such remuneration as the Lord Chancellor may, with the approval of the Treasury, determine.

(5) Subsections (7) and (8) of section one of this Act shall apply in relation to the office of appointed member as they apply in relation to the office of Registrar, but as if for references to the Treasury there were substituted references, in the said subsection (7) to the Lord Chancellor acting with the approval of the Treasury, and in the said subsection (8) to the Lord Chancellor.

**Provision for  
increasing  
number of  
members of  
Court.**

**5.—(1) The Lord Chancellor may—**

(a) after consultation with the Lord President of the Court of Session and the Lord Chief Justice of Northern Ireland, by order increase the number of judges of the High Court, the Court of Session or the Supreme Court of Northern Ireland to be nominated under section three of this Act as members of the Court;

(b) with the approval of the Treasury, by order increase the maximum number of members of the Court to be appointed under section four of this Act.

(2) The power of the Lord Chancellor to make orders under this section shall be exercisable by statutory instrument; and an order under this section shall be of no effect until it is approved by resolution of each House of Parliament.

*Registration of Agreements***Agreements to  
which Part I  
applies.**

**6.—(1) Subject to the provisions of the two next following sections, this Part of this Act applies to any agreement between two or more persons carrying on business within the United Kingdom in the production or supply of goods, or in the application to goods of any process of manufacture, whether with or**

without other parties, being an agreement under which restrictions are accepted by two or more parties in respect of the following matters, that is to say:—

- (a) the prices to be charged, quoted or paid for goods supplied, offered or acquired, or for the application of any process of manufacture to goods ;
  - (b) the terms or conditions on or subject to which goods are to be supplied or acquired or any such process is to be applied to goods ;
  - (c) the quantities or descriptions of goods to be produced, supplied or acquired ;
  - (d) the processes of manufacture to be applied to any goods, or the quantities or descriptions of goods to which any such process is to be applied ; or
  - (e) the persons or classes of persons to, for or from whom, or the areas or places in or from which, goods are to be supplied or acquired, or any such process applied.
- \* (2) For the purposes of the foregoing subsection it is immaterial whether any restrictions accepted by parties to an agreement relate to the same or different matters specified in that subsection, or have the same or different effect in relation to any matter so specified, and whether the parties accepting any restrictions carry on the same class or different classes of business.

(3) In this Part of this Act “ agreement ” includes any agreement or arrangement, whether or not it is or is intended to be enforceable (apart from any provision of this Act) by legal proceedings, and references in this Part of this Act to restrictions accepted under an agreement shall be construed accordingly ; and “ restriction ” includes any negative obligation, whether express or implied and whether absolute or not.

(4) For the purposes of this Part of this Act an agreement which confers privileges or benefits only upon such parties as comply with conditions as to any such matters as are described in paragraphs (a) to (e) of subsection (1) of this section, or imposes obligations upon parties who do not comply with such conditions, shall be treated as an agreement under which restrictions are accepted by each of the parties in respect of those matters.

(5) Without prejudice to the last foregoing subsection, an obligation on the part of any party to an agreement to make payments calculated by reference—

- (a) to the quantity of goods produced or supplied by him, or to which any process of manufacture is applied by him ;  
or
- (b) to the quantity of materials acquired or used by him for the purpose of or in the production of any goods or the application of any such process to goods,

**PART I**  
**—cont.**

being payments calculated, or calculated at an increased rate, in respect of quantities of goods or materials exceeding any quantity specified in or ascertained in accordance with the agreement, shall be treated for the purposes of this Part of this Act as a restriction in respect of the quantities of those goods to be produced or supplied, or to which that process is to be applied.

(6) This Part of this Act shall apply in relation to any agreement made by a trade association as if the agreement were made between all persons who are members of the association or are represented thereon by such members and, where any restriction is accepted thereunder on the part of the association, as if the like restriction were accepted by each of those persons.

(7) Where specific recommendations (whether express or implied) are made by or on behalf of a trade association to its members or to any class of its members, as to the action to be taken or not taken by them in relation to any particular class of goods or process of manufacture in respect of any matter described in the said subsection (1), this Part of this Act shall apply in relation to the agreement for the constitution of the association notwithstanding any provision to the contrary therein, as if it contained a term by which each such member, and any person represented on the association by any such member, agreed to comply with those recommendations and any subsequent recommendations made to them by or on behalf of the association as to the action to be taken by them in relation to the same class of goods or process of manufacture and in respect of the same matter.

(8) In this section "trade association" means a body of persons (whether incorporated or not) which is formed for the purpose of furthering the trade interests of its members, or of persons represented by its members; and for the purposes of this section, two or more persons being inter-connected bodies corporate or individuals carrying on business in partnership with each other shall be treated as a single person.

Restrictions  
to be  
disregarded.

7.—(1) In determining whether an agreement to which iron and steel producers as defined by the Iron and Steel Act, 1953, are party, whether with or without other parties, is an agreement to which this part of this Act applies, no account shall be taken of any term whether express or implied which has been approved by the Iron and Steel Board and by the Board of Trade—

(a) by which those producers agree to acquire raw materials or other iron and steel products as so defined exclusively from a person who undertakes as a common service for the iron and steel industry the importation of

those materials or products, or the distribution of those materials or products when imported, or from any person nominated by such a person ; or

(b) by which any such person agrees to supply such materials or products exclusively to those producers.

(2) In determining whether an agreement for the supply of goods or for the application of any process of manufacture to goods is an agreement to which this Part of this Act applies, no account shall be taken of any term which relates exclusively to the goods supplied, or to which the process is applied, in pursuance of the agreement :

Provided that where any such restrictions as are described in subsection (1) of section six of this Act are accepted as between two or more persons by whom, or two or more persons to or for whom, goods are to be supplied, or the process applied, in pursuance of the agreement, this subsection shall not apply to those restrictions unless accepted in pursuance of a previous agreement in respect of which particulars have been registered under this Part of this Act.

(3) In determining whether an agreement is an agreement to which this Part of this Act applies, no account shall be taken of any term by which the parties or any of them agree to comply with or apply, in respect of the production of any goods or the application to goods of any process of manufacture, standards of dimensions, design or quality for the time being approved by the British Standards Institution.

(4) In determining whether an agreement is an agreement to which this Part of this Act applies, no account shall be taken of any restriction which affects or otherwise relates to the workmen to be employed or not employed by any person, or as to the remuneration, conditions of employment, hours of work or working conditions of such workmen, and for the purposes of this subsection "workmen" has the same meaning as in the Industrial Courts Act, 1919.

8.—(1) This Part of this Act does not apply to any agreement which is expressly authorised by any enactment, or by any scheme, order or other instrument made under any enactment. Excepted agreements.

(2) This Part of this Act does not apply to any agreement which constitutes or forms part of a scheme certified by the Board of Trade under Part XXIII of the Income Tax Act, 1952 (which relates to contributions and payments under schemes for rationalising industry).

(3) This Part of this Act does not apply to any agreement for the supply of goods between two persons, neither of whom is a trade association within the meaning of section six of this Act.

**PART I**  
**—cont.**

being an agreement to which no other person is party and under which no such restrictions as are described in subsection (1) of section six of this Act are accepted other than restrictions accepted—

- (a) by the party supplying the goods, in respect of the supply of goods of the same description to other persons ; or
- (b) by the party acquiring the goods, in respect of the sale, or acquisition for sale, of other goods of the same description.

(4) This Part of this Act does not apply to any licence granted by the proprietor or any licensee of a patent or registered design, or by a person who has applied for a patent or for the registration of a design, to any assignment of a patent or registered design, or of the right to apply for a patent or for the registration of a design, or to any agreement for such a licence or assignment, being a licence, assignment or agreement under which no such restrictions as are described in subsection (1) of section six of this Act are accepted except in respect of—

- (a) the invention to which the patent or application for a patent relates, or articles made by the use of that invention ; or
- (b) articles in respect of which the design is or is proposed to be registered and to which it is applied,

as the case may be.

(5) This Part of this Act does not apply to any agreement between two persons, neither of whom is a trade association within the meaning of section six of this Act, for the exchange of information relating to the operation of processes of manufacture (whether patented or not), being an agreement to which no other person is party and under which no such restrictions as are described in subsection (1) of section six of this Act are accepted except in respect of the descriptions of goods to be produced by those processes or to which those processes are to be applied.

(6) This Part of this Act does not apply to any agreement made in accordance with regulations approved by the Board of Trade under section thirty-seven of the Trade Marks Act, 1938 (which makes provision as to certification trade marks) authorising the use of such a trade mark, being an agreement under which no such restrictions as are described in subsection (1) of section six of this Act are accepted, other than restrictions permitted by the said regulations.

(7) This Part of this Act does not apply to any agreement between the registered proprietor of a trade mark (other than

a certification trade mark) and a person authorised by the agreement to use the mark subject to registration as a registered user under section twenty-eight of the said Act of 1938 (which makes provision as to registered users), being an agreement under which no such restrictions as aforesaid are accepted except in respect of the descriptions of goods bearing the mark which are to be produced or supplied or the processes of manufacture to be applied to such goods or to goods to which the mark is to be applied.

(8) This Part of this Act does not apply to an agreement in the case of which all such restrictions as are described in subsection (1) of section six of this Act relate exclusively—

- (a) to the supply of goods by export from the United Kingdom ;
- (b) to the production of goods, or the application of any process of manufacture to goods, outside the United Kingdom ;
- (c) to the acquisition of goods to be delivered outside the United Kingdom and not imported into the United Kingdom for entry for home use ; or
- (d) to the supply of goods to be delivered outside the United Kingdom otherwise than by export from the United Kingdom ;

and subsection (7) of section six of this Act shall not apply in relation to recommendations relating exclusively to such matters as aforesaid.

(9) For the purposes of this and the last foregoing section two or more persons being inter-connected bodies corporate or individuals carrying on business in partnership with each other shall be treated as a single person ; and any reference in this section to such restrictions as are described in subsection (1) of section six of this Act shall be construed, in relation to any agreement, as not including references to restrictions of which, by virtue of any provision of section seven of this Act, account cannot be taken in determining whether the agreement is an agreement to which this Part of this Act applies, or of restrictions accepted by any term of which account cannot be so taken.

9.—(1) Subject to the provisions of this section, every agreement to which this Part of this Act applies shall be subject to registration thereunder.

(2) The foregoing subsection shall come into force on such date as the Board of Trade may by order appoint, and different dates may be appointed under this subsection in relation to agreements of different classes.

**PART I**  
**—cont.**

(3) An order under this section may describe the classes of agreements to which it applies by reference to any one or more of the following matters, that is to say—

- (a) the trade or industry in which the persons by whom restrictions are accepted are engaged, or the class of business carried on by such persons ;
- (b) the character of the restrictions accepted, or the goods, processes, transactions, areas or places affected by such restrictions ; or
- (c) any other features which appear to the Board to be expedient.

(4) The power of the Board of Trade to make orders under this section shall be exercisable by statutory instrument ; and an order under this section shall be of no effect until it is approved by resolution of each House of Parliament.

Particulars to  
be furnished  
for  
registration.

**10.—(1)** Within the period specified in this section the following particulars shall be furnished to the Registrar in respect of every agreement which is subject to registration under this Part of this Act, that is to say—

- (a) the names of the persons who are parties to the agreement ; and
- (b) the whole of the terms of the agreement, whether or not relating to any such restrictions as are described in subsection (1) of section six of this Act.

(2) Subject to the provisions of subsection (3) of this section, the duty to furnish particulars under this section in respect of an agreement which at any time is subject to registration under this Part of this Act shall not be affected by any subsequent variation or determination of the agreement ; and if at any time after an agreement has become subject to registration as aforesaid that agreement is varied (whether in respect of the parties or in respect of the terms) or determined otherwise than by effluxion of time, particulars of the variation or determination shall be furnished to the Registrar within the period specified in this section.

(3) Where any agreement becomes subject to registration under this Part of this Act by virtue of an order made under section nine of this Act after the making of the agreement—

- (a) if, before the expiration of the period within which, apart from this subsection, particulars would be required to be furnished in respect of the agreement under this section, and before particulars have been so furnished, the agreement is determined (whether by effluxion of time or otherwise), subsections (1) and (2) of this section shall cease to apply to that agreement ;



(b) if, before the expiration of the said period and before particulars have been furnished in respect of the agreement, the agreement is varied, the particulars to be furnished under subsection (1) of this section shall be particulars of the agreement as varied, and subsection (2) of this section shall not apply in relation to the variation.

(4) The particulars to be furnished under this section in respect of an agreement shall be furnished—

(a) in so far as the agreement, or any variation or determination of the agreement, is made by an instrument in writing, by the production of the original or a true copy of that instrument ;

(b) in so far as the agreement, or any variation or determination of the agreement, is not so made, by the production of a memorandum in writing signed by the person by whom the particulars are furnished.

(5) The particulars to be furnished under this section in respect of an agreement shall be furnished within such period, beginning with the date on which the agreement is made or becomes subject to registration under this Part of this Act, whichever is the later, or with the date of the variation or determination of the agreement, as the case may be, as may be prescribed by the order of the Board of Trade under section nine of this Act by virtue of which the agreement is subject to registration.

(6) The particulars required by this section may be furnished by or on behalf of any person who is party to the agreement or, as the case may be, was party thereto immediately before its determination, and where such particulars are duly furnished by or on behalf of any such person the provisions of this section shall be deemed to be complied with on the part of all such persons.

(7) In relation to an agreement to which this Part of this Act applies by virtue of subsection (6) of section six of this Act as if it were an agreement made between members of a trade association, or persons represented on the association by such members, references in this section to the parties to the agreement include references to those members or persons ; and in relation to an agreement in which a term is implied by virtue of subsection (7) of the said section six, the reference in this section to the terms of the agreement includes a reference to that term, and references in this section to an agreement shall be construed accordingly.

11.—(1) The register for the purposes of this Part of this Act shall be kept by the Registrar at such premises within the United Kingdom as the Registrar may determine. General provisions as to the register.

PART I  
—cont.

(2) The register shall be kept in such form as the Registrar thinks fit, and the Registrar shall enter or file therein such particulars as may be prescribed by regulations made under section nineteen of this Act of agreements subject to registration under this Part of this Act, being particulars duly furnished to him under this Part of this Act by parties thereto, or documents or information which he is authorised under section eighteen of this Act to treat as particulars so furnished.

(3) Regulations made as aforesaid shall provide for the maintenance of a special section of the register, and for the entry or filing in that section of such particulars as the Board of Trade may direct, being—

- (a) particulars containing information the publication of which would in the opinion of the Board be contrary to the public interest;
- (b) particulars containing information as to any secret process of manufacture or as to the presence, absence or situation of any mineral or other deposits or as to any other similar matter, being information the publication of which, in the opinion of the Board would substantially damage the legitimate business interests of any person.

(4) The register, other than the special section, shall be open to public inspection during such hours and subject to payment of such fee as may be prescribed by regulations made under section nineteen of this Act.

(5) Any person may, upon payment of such fee as may be prescribed by regulations made as aforesaid, require the Registrar to supply to him a copy of or extract from any particulars entered or filed in the register, other than the special section, certified by the Registrar to be a true copy or extract.

(6) No process for compelling the production of the register or of any other document kept by the Registrar shall issue from any court except with the leave of the court, and any such process if issued shall bear a statement that it is issued with the leave of the court.

(7) A copy of or extract from any document entered or filed in the register, certified under the hand of the Registrar or any assistant registrar or other officer authorised to act on behalf of the Registrar (whose official position it shall not be necessary to prove), shall in all legal proceedings be admissible in evidence as of equal validity with the original.

Power to  
remove  
insignificant  
agreements  
from the  
register.

12.—(1) The Board of Trade may, upon the representation of the Registrar, give directions authorising him to remove from the register particulars of such agreements of which particulars are for the time being entered therein as appear to the Board to be of no substantial economic significance.

(2) The removal of particulars of an agreement in pursuance of directions under this section shall not affect the operation in relation to the agreement of subsection (2) of section ten of this Act ; and where any such agreement is varied as mentioned in that subsection—

- (a) the particulars to be furnished thereunder shall include all such particulars as would be required in the case of an original agreement in the terms of the agreement as varied ;
- (b) the directions under this section shall cease to have effect, but without prejudice to the power of the Board of Trade to give further directions thereunder in respect of the agreement as varied.

(3) As soon as practicable after giving directions under this section the Board of Trade shall lay before each House of Parliament a statement containing particulars of the agreements to which the directions relate.

**13.**—(1) The High Court may, on the application of any person aggrieved, order the register to be rectified by the variation or removal of particulars included therein in respect of any agreement. Rectification  
of the  
register, etc.

(2) The High Court may, on the application of any person party to an agreement, or on the application of the Registrar in respect of any agreement of which particulars have been furnished to him under this Part of this Act, declare whether or not the agreement is one to which this Part of this Act applies, and if so whether or not it is subject to registration under section nine of this Act.

(3) Where application is made under subsection (2) of this section by any party to an agreement before the expiration of the period within which, if the agreement is subject to registration under this Part of this Act, particulars are required to be furnished under section ten of this Act, then—

- (a) if particulars of the agreement have not been so furnished before the commencement of the proceedings, the said period shall be extended by a period equal to the period during which the proceedings and any appeal therein are pending, and such further period, if any, as the court may direct ; and
- (b) if particulars have been so furnished, the Registrar shall not enter or file particulars of the agreement in the register during the period during which the proceedings and any appeal therein are pending.

**PART I**  
—cont.

(4) Notice of any application to the court under this section shall be served, in accordance with rules of court—

(a) in the case of an application by a person other than the Registrar, on the Registrar ;

(b) in the case of an application by the Registrar, on the parties to the agreement or such of them as may be prescribed or determined by or under the rules ;

and any party on whom notice is so served shall be entitled, in accordance with such rules, to appear and be heard on the application.

(5) In the application of this section to Scotland and Northern Ireland respectively, for any reference to the High Court there shall be substituted a reference to the Court of Session or the High Court of Northern Ireland.

*Supplementary provisions as to registration***Power of  
Registrar  
to obtain  
information.**

14.—(1) If the Registrar has reasonable cause to believe that any person being—

(a) a person carrying on within the United Kingdom any such business as is described in subsection (1) of section six of this Act ; or

(b) a trade association within the meaning of the said section six the members of which consist of or include persons carrying on business as aforesaid or representatives of such persons

is or may be party to an agreement subject to registration under this Part of this Act, he may give notice to that person requiring him, within such time as may be specified in the notice, to notify the Registrar whether he is party to any agreement relating to any such matters as are described in paragraphs (a) to (e) of the said subsection (1), and if so to furnish to the Registrar such particulars as may be so specified of that agreement.

(2) The Registrar may give notice to any person by whom particulars are furnished under section ten of this Act in respect of an agreement, or to any other person being party to the agreement, requiring him to furnish such further documents or information in his possession or control as the Registrar considers expedient for the purposes of or in connection with the registration of the agreement.

(3) In the case of any such trade association as is mentioned in paragraph (b) of subsection (1) of this section, a notice under that subsection may be given by the Registrar either to the association or to the secretary, manager or other similar officer of the association ; and for the purposes of this section any

such association shall be treated as party to any agreement to which members of the association, or persons represented on the association by such members, are parties as such.

PART I  
—cont.

15.—(1) In any case in which the Registrar has given notice to any person under section fourteen of this Act, the High Court may on the application of the Registrar order that person to attend and be examined on oath in accordance with the following provisions of this section concerning the matters in respect of which the Registrar has given notice to him as aforesaid.

Power of  
High Court  
to order  
examination  
on oath.

(2) Where an order is made under this section for the attendance and examination of any person—

- (a) the Registrar shall take part in the examination and for that purpose may be represented by solicitor or counsel ;
- (b) the person examined shall answer all such questions as the court may put or allow to be put to him, but may at his own cost employ a solicitor with or without counsel, who shall be at liberty to put to him such questions as the court may deem just for the purpose of enabling him to explain or qualify any answers given by him ;
- (c) notes of the examination shall be taken down in writing and shall be read over to or by, and signed by, the person examined, and may thereafter be used in evidence against him ;
- (d) the court may require the person examined to produce any such particulars, documents or information in his possession or control as may be specified in the notice given by the Registrar as aforesaid.

(3) Where notice under section fourteen of this Act has been given to a body corporate, an order may be made under this section for the attendance and examination of any director, manager, secretary or other officer of that body corporate ; and in any such case—

- (a) the reference in subsection (1) of this section to matters in respect of which the Registrar has given notice to the person examined shall be construed as a reference to matters in respect of which notice was given to the body corporate ; and
- (b) in paragraph (d) of the last foregoing subsection, and in paragraph (c) so far as it relates to evidence, references to the person examined shall include references to the body corporate.

**PART I  
—cont.**

(4) In the application of this section to Scotland and Northern Ireland respectively, for any reference to the High Court there shall be substituted a reference to the Court of Session or the High Court of Northern Ireland.

**Offences in  
connection  
with  
registration.**

**16.—**(1) If any person fails without reasonable excuse to comply with a notice duly given to him under section fourteen of this Act, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one hundred pounds.

(2) If any person who furnishes or is required to furnish any particulars, documents or information under this Part of this Act,—

- (a) makes any statement, or furnishes any document, which he knows to be false in a material particular ; or
- (b) recklessly makes any statement, or furnishes any document, which is false in a material particular ; or
- (c) wilfully alters, suppresses or destroys any document which he is required to furnish as aforesaid,

he shall be guilty of an offence under this section, and shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds, or to both such imprisonment and such a fine, or on conviction on indictment to imprisonment for a term not exceeding two years or to a fine, or to both such imprisonment and a fine.

(3) If any default in respect of which a person is convicted of an offence under subsection (1) of this section continues after the conviction, that person shall be guilty of a further offence and liable on summary conviction to a fine not exceeding one hundred pounds, or not exceeding ten pounds for every day on which the default continues within the three months next following his conviction for the first-mentioned offence, whichever is the greater ; and for the purposes of this subsection a default in respect of the furnishing of any particulars, documents or information shall be deemed to continue until the particulars, documents or information have been furnished.

(4) Where an offence under this section committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(5) In this section "director", in relation to a body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body corporate.

PART I  
—cont.

17.—(1) No proceedings for an offence under this Part of this Act shall be instituted in England and Wales except by or with the consent of the Director of Public Prosecutions or the Registrar, and no such proceedings shall be instituted in Northern Ireland except by or with the consent of the Attorney General for Northern Ireland or the Registrar.

Commence-  
ment of  
proceedings  
and venue

(2) Notwithstanding anything in section one hundred and four of the Magistrates' Courts Act, 1952, or in any corresponding enactment relating to summary proceedings in Northern Ireland, an information relating to an offence under this Part of this Act may be tried by a magistrates' court or by a court of summary jurisdiction in Northern Ireland, if it is laid at any time within three years after the commission of the offence and within twelve months after the date on which evidence sufficient in the opinion of the Director of Public Prosecutions, the Attorney General for Northern Ireland or the Registrar, as the case may be, to justify the proceedings comes to his knowledge.

(3) Notwithstanding anything in section twenty-three of the Summary Jurisdiction (Scotland) Act, 1954, proceedings in Scotland for an offence against this Part of this Act may be commenced at any time within three years after the commission of the offence and within twelve months after the date on which evidence sufficient in the opinion of the Registrar to justify a report to the Lord Advocate with a view to consideration of the question of proceedings comes to the knowledge of the Registrar.

(4) For the purposes of subsections (2) and (3) of this section, a certificate of the Director of Public Prosecutions, the Attorney General for Northern Ireland or the Registrar, as the case may be, as to the date on which such evidence as aforesaid came to his knowledge shall be conclusive evidence.

(5) An offence under section sixteen of this Act may be tried by a court having jurisdiction either in the county or place in which the offence was actually committed or in any county or place in which the alleged offender carries on business.

18.—(1) If the High Court is satisfied, upon application made by the Registrar, that default has been made in furnishing particulars under section ten of this Act of an agreement which is subject to registration under this Part of this Act, or of any

Powers of  
High Court  
in case of  
default in  
furnishing  
particulars.

**PART I**  
**—cont.**

variation or determination of such an agreement, the High Court may—

- (a) in any case, authorise the Registrar to treat as particulars duly furnished under the said section ten any document or information in his possession relating to the agreement ;
- (b) if the application is made against any person party to the agreement, order that person to furnish those particulars to the Registrar within such time as may be specified in the order.

(2) In any case where an application under the foregoing subsection is made against any person party to an agreement, and the court is satisfied that the failure of that person to furnish particulars in respect of the agreement was wilful, the court may, in addition to or in lieu of making an order giving an authorisation under that subsection, make against that person any such order as could be made by the Restrictive Practices Court under subsection (3) of section twenty of this Act if all restrictions by virtue of which this Part of this Act applies to the agreement were found by that Court to be contrary to the public interest.

(3) An order made by the High Court under the last foregoing subsection may be discharged by the Restrictive Practices Court upon application made under section twenty of this Act, and shall continue in force until so discharged.

(4) In the application of this section to Scotland and Northern Ireland respectively, for any reference to the High Court there shall be substituted a reference to the Court of Session or the High Court of Northern Ireland.

**Regulations  
for purposes  
of registration.**

**19.**—(1) Subject to the foregoing provisions of this Act, the Registrar may make regulations for purposes of registration under this Part of this Act and for purposes connected therewith, and in particular, but without prejudice to the generality of the foregoing provision—

- (a) for regulating the procedure to be followed in connection with the furnishing of particulars, information and documents under sections ten and fourteen of this Act ;
- (b) for excluding from the particulars to be furnished or entered in the register under this Part of this Act such details as to persons, prices, terms or other matters as are material for the purpose only of defining the particular application from time to time of continuing restrictions accepted under agreements of which particulars are so entered ;
- (c) for prescribing the form of any notice, certificate or other document to be given, made or furnished under the foregoing provisions of this Part of this Act ;



- (d) for regulating the inspection of the register or of any document kept by the Registrar ;
- (e) for prescribing anything authorised or required by this Part of this Act to be prescribed by regulations made under this section.

PART I  
—cont.

(2) Any such regulations prescribing a fee for inspection of the register or for the supply of copies of or extracts from particulars entered or filed therein, shall be made with the approval of the Treasury.

(3) The power of the Registrar to make regulations under this section shall be exercisable by statutory instrument, and the Statutory Instruments Act, 1946, shall apply to such regulations as it applies to regulations made by a Minister of the Crown within the meaning of that Act.

(4) Any statutory instrument containing regulations made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### *Judicial investigation of registered Agreements*

20.—(1) The Court shall have jurisdiction, on application made in accordance with this section in respect of any agreement of which particulars are for the time being registered under this Part of this Act, to declare whether or not any restrictions by virtue of which this Part of this Act applies to the agreement (other than restrictions in respect of matters described in paragraphs (b) to (d) of subsection (8) of section eight of this Act) are contrary to the public interest.

Jurisdiction  
and powers  
of Restrictive  
Practices  
Court.

(2) An application to the Court under the foregoing subsection may be made—

- (a) in any case, by the Registrar ;
- (b) in a case where an order in respect of the agreement is in force against any person under subsection (2) of section eighteen of this Act, by that person :

Provided that no such application shall be made by virtue of paragraph (b) of this subsection until after the expiration of the period of two years beginning with the date on which the order under the said subsection (2) was made.

(3) Where any such restrictions are found by the Court to be contrary to the public interest, the agreement shall be void in respect of those restrictions ; and without prejudice to the foregoing provision the Court may, upon the application of the Registrar, make such order as appears to the Court to be proper

**PART I**  
**—cont.**

for restraining all or any of the persons party to the agreement who carry on business in the United Kingdom—

- (a) from giving effect to, or enforcing or purporting to enforce, the agreement in respect of those restrictions ;
- (b) from making any other agreement (whether with the same parties or with other parties) to the like effect.

(4) Where any restrictions accepted under a term implied by virtue of subsection (7) of section six of this Act in an agreement for the constitution of a trade association are found by the Court to be contrary to the public interest, the Court may, without prejudice to its powers under the last foregoing subsection, make such order as appears to the Court to be proper for restraining the association or any person acting on its behalf from making any recommendation to which that term would apply.

(5) The powers of the Court under this section shall not be affected by the determination of an agreement effected after the commencement of the proceedings, and where an agreement is varied after the commencement of the proceedings, the Court may make a declaration and, if it thinks fit an order under subsection (3) or subsection (4) of this section, either in respect of the agreement as at the commencement of the proceedings or in respect of the agreement as varied, or both.

(6) The Registrar shall cause notice of any declaration or order made under this section to be entered in the register.

**Presumption  
as to the  
public interest.**

**21.—**(1) For the purposes of any proceedings before the Court under the last foregoing section, a restriction accepted in pursuance of any agreement shall be deemed to be contrary to the public interest unless the Court is satisfied of any one or more of the following circumstances, that is to say—

- (a) that the restriction is reasonably necessary, having regard to the character of the goods to which it applies, to protect the public against injury (whether to persons or to premises) in connection with the consumption, installation or use of those goods ;
- (b) that the removal of the restriction would deny to the public as purchasers, consumers or users of any goods other specific and substantial benefits or advantages enjoyed or likely to be enjoyed by them as such, whether by virtue of the restriction itself or of any arrangements or operations resulting therefrom ;
- (c) that the restriction is reasonably necessary to counteract measures taken by any one person not party to the agreement with a view to preventing or restricting competition in or in relation to the trade or business in which the persons party thereto are engaged ;

- (d) that the restriction is reasonably necessary to enable the persons party to the agreement to negotiate fair terms for the supply of goods to, or the acquisition of goods from, any one person not party thereto who controls a preponderant part of the trade or business of acquiring or supplying such goods, or for the supply of goods to any person not party to the agreement and not carrying on such a trade or business who, either alone or in combination with any other such person, controls a preponderant part of the market for such goods ;
- (e) that, having regard to the conditions actually obtaining or reasonably foreseen at the time of the application, the removal of the restriction would be likely to have a serious and persistent adverse effect on the general level of unemployment in an area, or in areas taken together, in which a substantial proportion of the trade or industry to which the agreement relates is situated ;
- (f) that, having regard to the conditions actually obtaining or reasonably foreseen at the time of the application, the removal of the restriction would be likely to cause a reduction in the volume or earnings of the export business which is substantial either in relation to the whole export business of the United Kingdom or in relation to the whole business (including export business) of the said trade or industry ; or
- (g) that the restriction is reasonably required for purposes connected with the maintenance of any other restriction accepted by the parties, whether under the same agreement or under any other agreement between them, being a restriction which is found by the Court not to be contrary to the public interest upon grounds other than those specified in this paragraph, or has been so found in previous proceedings before the Court,

and is further satisfied (in any such case) that the restriction is not unreasonable having regard to the balance between those circumstances and any detriment to the public or to persons not parties to the agreement (being purchasers, consumers or users of goods produced or sold by such parties, or persons engaged or seeking to become engaged in the trade or business of selling such goods or of producing or selling similar goods) resulting or likely to result from the operation of the restriction.

(2) In this section “ purchasers ”, “ consumers ” and “ users ” include persons purchasing, consuming or using for the purpose or in course of trade or business or for public purposes ; and references in this section to any one person include references to any two or more persons being inter-connected bodies corporate or individuals carrying on business in partnership with each other.

PART I  
—cont.Variation of  
decisions of  
the Court.

**22.**—(1) The Court may, upon application made in accordance with this section, discharge any previous declaration of the Court in respect of any restriction and any order made by the Court in pursuance thereof and substitute such other declaration, and make such order in pursuance thereof, as appears to the Court to be proper at the time of the hearing of the application.

(2) The provisions of section twenty-one of this Act shall apply with the necessary modifications in relation to proceedings on an application under this section as they apply in relation to the proceedings therein mentioned.

(3) An application under this section may be made by the Registrar or by any person who is, or was at the time of the previous determination of the Court, subject to or entitled to the benefit of the restriction in question.

(4) No application shall be made under this section except with the leave of the Court, and such leave shall not be granted except upon prima facie evidence of a material change in the relevant circumstances.

Rules of  
procedure  
and  
representation  
of Registrar.

**23.**—(1) Subject to the foregoing provisions of this Part of this Act and to the provisions of the Schedule to this Act, the procedure in or in connection with any proceedings before the Court, and, subject to the approval of the Treasury, the fees chargeable in respect of such proceedings, shall be such as may be determined by rules made by the Lord Chancellor.

(2) Without prejudice to the generality of the foregoing provision, rules made under this section may make provision with respect to the persons to be made respondents to any application to the Court under this Part of this Act, the place at which the Court is to sit for the purposes of any proceedings thereunder, and the evidence which may be required or admitted in any such proceedings; and such rules may provide—

- (a) for securing, by means of preliminary statements of facts and contentions, and by the production of documents, the administration of interrogatories and other methods of discovery, that all material facts and considerations are brought before the Court by all parties to any proceedings, including the Registrar;
- (b) for enabling a single application to be made to the Court in respect of a number of related agreements, or separate applications made in respect of related agreements to be heard together;
- (c) for enabling the Court to determine in a summary way any issue arising in relation to an agreement where it appears to the Court that the relevant provisions of the

agreement and the circumstances of the case are substantially similar to the provisions and circumstances considered, in relation to any other agreement, in any previous proceedings before the Court ;

PART I  
—cont.

(d) for enabling the Court to make an order for the payment by any party of costs in respect of proceedings in which he is guilty of unreasonable delay, or in respect of any improper, vexatious, prolix or unnecessary proceedings or any other unreasonable conduct on his part.

(3) The power of the Lord Chancellor 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.

(4) In any proceedings before the Court under this Part of this Act in which the Registrar is represented by counsel, counsel for the Registrar shall be nominated by the Attorney General, the Lord Advocate or the Attorney General for Northern Ireland, as the case may be.

## PART II

### ENFORCEMENT OF CONDITIONS AS TO RESALE PRICES

24.—(1) Subject to the provisions of this section, it shall be unlawful for any two or more persons carrying on business in the United Kingdom as suppliers of any goods to make or carry out any agreement or arrangement by which they undertake—

Prohibition of agreements for collective enforcement of conditions as to resale prices.

(a) to withhold supplies of goods for delivery in the United Kingdom from dealers (whether party to the agreement or arrangement or not) who resell or have resold goods in breach of any condition as to the price at which those goods may be resold ;

(b) to refuse to supply goods for delivery in the United Kingdom to such dealers except on terms and conditions which are less favourable than those applicable in the case of other dealers carrying on business in similar circumstances ; or

(c) to supply goods only to persons who undertake or have undertaken to withhold supplies of goods, or to refuse to supply goods, as aforesaid,

or any agreement or arrangement authorising the recovery of penalties (however described) by or on behalf of the parties to the agreement from dealers who resell or have resold goods in breach of any such condition as is described in paragraph (a) of this subsection, or the conduct of any domestic proceedings in connection therewith.

**PART II**  
—cont.

(2) Subject to the provisions of this section, it shall be unlawful for any two or more persons carrying on business in the United Kingdom as dealers in any goods to make or carry out any agreement or arrangement by which they undertake—

(a) to withhold orders for supplies of goods for delivery in the United Kingdom from suppliers (whether party to the agreement or arrangement or not) who supply or have supplied goods otherwise than subject to such a condition as aforesaid, or who refrain or have refrained from taking steps to ensure compliance with such conditions in respect of goods supplied by them; or

(b) to discriminate in their handling of goods against goods supplied by such suppliers,

or any agreement or arrangement authorising the recovery of penalties (however described) by or on behalf of the parties to the agreement or arrangement from such suppliers, or the conduct of any domestic proceedings in connection therewith.

(3) A contract for the sale of goods to which not more than two persons are party shall not be unlawful under this section by reason only of undertakings by the purchaser in relation to the goods sold and by the vendor in relation to other goods of the same description.

(4) Subject to the provisions of this section, it shall be unlawful for any person carrying on business in the United Kingdom as a supplier of or dealer in any goods to make to any other person carrying on business as aforesaid any recommendation to act in such a manner that, if there were an agreement between those persons so to act, the agreement would be unlawful by virtue of the foregoing provisions of this section.

(5) This section applies in relation to an association the members of which consist of or include persons carrying on business in the United Kingdom as suppliers of or dealers in any goods, or representatives of such persons, as it applies in relation to a person so carrying on business.

(6) No criminal proceedings shall lie against any person on the ground that he has committed, or aided, abetted, counselled or procured the commission of, or conspired or attempted to commit, or incited others to commit, any contravention of this section.

(7) Without prejudice to the right of any person to bring civil proceedings in respect of any contravention or apprehended contravention of this section, compliance with this section shall be enforceable by civil proceedings on behalf of the Crown for an injunction or other appropriate relief.

(8) Section four of the Trade Disputes Act, 1906 (which prohibits actions of tort against trade unions) shall not apply to proceedings under this section.

**25.—**(1) Where goods are sold by a supplier subject to a condition as to the price at which those goods may be resold, either generally or by or to a specified class or person, that condition may, subject to the provisions of this section, be enforced by the supplier against any person not party to the sale who subsequently acquires the goods with notice of the condition as if he had been party thereto.

PART II  
—cont.

Individual enforcement by legal proceedings of conditions as to resale prices.

(2) A condition shall not be enforceable by virtue of this section—

- (a) in respect of the resale of any goods by a person who acquires those goods otherwise than for the purpose of resale in the course of business, or by any person who acquires them, whether immediately or not, from such a person ;
- (b) in respect of the resale of any goods pursuant to an order of any court, or by way of execution or distress, or by any person who acquires them, whether immediately or not, after such resale.

(3) Nothing in this section shall be construed as enabling any person to enforce a condition imposed in pursuance of any restriction which is declared by an order of the Restrictive Practices Court for the time being in force under Part I of this Act to be contrary to the public interest.

(4) Without prejudice to any other relief which may be granted in proceedings against any person in respect of a breach or apprehended breach of a condition which is enforceable against him by virtue of this section, the court may, if it thinks fit, upon proof that goods sold by the plaintiff have been resold by the defendant in breach of any such condition, grant an injunction restraining the defendant from reselling in breach of any such condition any goods already sold or thereafter to be sold by the plaintiff, whether of the same description as the goods proved to have been resold as aforesaid or of any other description.

**26.—**(1) For the purposes of this Part of this Act a condition as to the amount of discount which may be allowed on the resale of any goods, or as to the price which may be paid on the resale of any goods for other goods taken by way of exchange, shall be treated as a condition as to the price at which goods may be resold.

Supplementary provisions.

(2) For the purposes of any provision of this Part of this Act referring to two or more or not more than two persons, two or more persons being inter-connected bodies corporate or individuals carrying on business in partnership with each other shall be treated as a single person.

**PART II**  
—*cont.*

(3) In this Part of this Act any reference to selling goods includes a reference to letting goods under a hire-purchase agreement within the meaning of section twenty-one of the Hire-Purchase Act, 1938.

(4) In the application of this Part of this Act to Scotland, for references to the plaintiff, the defendant and an injunction, there shall be substituted references respectively to the pursuer, the defender and an interdict; and for the reference to a hire-purchase agreement within the meaning of section twenty-one of the Hire-Purchase Act, 1938, there shall be substituted a reference to a contract to which the Hire-Purchase and Small Debt (Scotland) Act, 1932, applies, or would apply if the limitation as to value contained in section one of that Act were omitted.

(5) In the application of this section to Northern Ireland, for the reference to section twenty-one of the Hire-Purchase Act, 1938, there shall be substituted a reference to any corresponding enactment for the time being in force in Northern Ireland.

Commence-  
ment of  
Part II.

27. This Part of this Act shall come into force on the expiration of the period of three months beginning with the date of the passing of this Act.

**PART III****AMENDMENTS OF MONOPOLIES AND RESTRICTIVE  
PRACTICES ACTS, 1948 AND 1953, ETC.**

Reconstitution  
of Monopolies  
Commission.

28.—(1) As from the date on which this section comes into force, the Monopolies and Restrictive Practices Commission established under the Monopolies and Restrictive Practices (Inquiry and Control) Act, 1948 (in this Part of this Act referred to as “the Act of 1948”) shall be known as the Monopolies Commission, and every member of that Commission holding office on that date shall cease to hold office.

(2) Notwithstanding anything in subsection (3) of section one of the Act of 1948 (which prohibits the re-appointment of members of the Commission other than the chairman and deputy chairmen) any member of the said Commission who ceases to hold office by virtue of this section shall be eligible for re-appointment; but the said subsection (3) shall have effect in relation to the period for which a member who is re-appointed may hold office, and the period to which the term of office of such a member may be extended, as if that member had not ceased to hold office as aforesaid.

(3) The maximum number of members of the said Commission who may be appointed under subsection (2) of section one of the Act of 1948 (which provides that the Commission



shall consist of not more than twenty-five members) shall be reduced to ten; and accordingly in the said subsection (2) for the words "twenty-five" there shall be substituted the word "ten".

(4) The functions of the said Commission shall cease to be exercisable by separate groups of members, and accordingly section two of the Monopolies and Restrictive Practices Commission Act, 1953 (in this section referred to as "the Act of 1953") and the Second Schedule to that Act (which make provision for the exercise of functions of the said Commission by groups of members working at the same time) are hereby repealed.

(5) The power of the Board of Trade under section one of the Act of 1953 to appoint deputy chairmen of the said Commission shall cease to be exercisable; and accordingly subsection (3) of the said section one is hereby repealed, and the said section and the First Schedule to the Act of 1953, shall have effect as if every reference therein to a deputy chairman were omitted.

(6) This section shall come into force on such date as may be appointed by order made by the Board of Trade by statutory instrument.

29.—(1) For the purposes of any reference made to the Monopolies Commission after the commencement of this Act under section two of the Act of 1948, conditions to which that Act applies shall not be deemed to prevail as respects the supply of goods of any description, the application of any process to goods of any description or the export of goods of any description, by reason of any agreement to which Part I of this Act applies; and the Commission shall not be required in pursuance of any such reference to report whether any such agreement to which the parties concerned are party operates or may be expected to operate as such against the public interest.

Future scope  
of references  
to Monopolies  
Commission.

(2) In relation to any such reference as aforesaid, subsection (1) of section five of that Act (which provides that such conditions shall be deemed to prevail as respects exports of goods if any one person produces at least one-third of all the goods produced in the United Kingdom) shall have effect as if after the words "any one person" there were inserted the words "or any two or more persons being inter-connected bodies corporate".

(3) Except so far as the Board of Trade may otherwise direct in any particular case, any reference or requirement to report made to the said Commission under the Act of 1948 before the commencement of this Act, in respect of which the Commission have not made a final report to the Board, shall lapse at

PART III  
—cont.

the expiration of the period of one month beginning with the date of the commencement of this Act, and any proceedings of the Commission thereunder shall be discontinued accordingly.

(4) The power of the Board of Trade to give directions under subsection (3) of this section in respect of a reference made before the commencement of this Act shall include power to require the Commission to proceed with the reference as if it had been made after the commencement of this Act; and the proviso to subsection (4) of section six of the Act of 1948 (which restricts the powers of the Board of Trade to vary references made to the Commission under that Act) shall not apply in relation to any such reference in respect of which directions are given by the Board under subsection (3) of this section.

(5) The proviso to subsection (1) of section fifteen of the Act of 1948 (which restricts the power of the Board to require the Commission to report on general questions) shall cease to have effect.

Provisions as  
to orders of  
competent  
authorities  
under s. 10  
of Act of  
1948.

30.—(1) Except as provided by this section, no order shall be made after the commencement of this Act under section ten of the Act of 1948—

- (a) declaring unlawful the making or carrying out of any agreement which, if in force, would be an agreement to which Part I of this Act applies; or
- (b) requiring the determination of any agreement to which the said Part I applies.

(2) The Restrictive Practices Court may, upon application made by any person who desires to make any agreement which, if made, would be an agreement to which Part I of this Act applies, being an agreement the making of which is unlawful by virtue of any order in force under the said section ten, declare whether or not any restrictions by virtue of which the said Part I would apply to the agreement (not being such restrictions as are described in paragraphs (b) to (d) of subsection (8) of section eight of this Act) are contrary to the public interest.

(3) Where the Restrictive Practices Court makes a declaration under the last foregoing subsection in relation to a restriction proposed to be accepted under any agreement, any order in force under the said section ten shall cease to have effect in so far as it renders unlawful the making or carrying out of an agreement under which that restriction is accepted; and the provisions of subsection (3) of section twenty of this Act shall apply with the necessary modifications in relation to any such declaration as aforesaid as they apply in relation to a finding under that section.

(4) Where, before the commencement of this Act, any undertaking or assurance has been given by any person to a competent authority within the meaning of the said section ten that any agreement (being an agreement to which Part I of this Act applies or would apply if the agreement were in force) will be determined, or will not be made—

- (a) the provisions of subsections (2) and (3) of this section shall apply in relation to the undertaking or assurance as if it were an order under the said section ten ; and
- (b) subject to the said provisions, an order under the said section ten may, if the undertaking or assurance is not complied with, be made to the like effect as the undertaking or assurance.

(5) The Registrar shall be the respondent to any application made under this section ; and the provisions of section twenty-one of this Act shall apply with the necessary modifications in relation to proceedings on any such application as they apply in relation to the proceedings therein mentioned.

(6) Except with the consent of the Board of Trade, no application shall be made under this section until the expiration of the period of four years beginning with the date of the commencement of this Act.

(7) Subsection (6) of section ten of the Act of 1948 (which provides for the revocation or variation of orders under that section) shall not apply to any order made under that section before the commencement of this Act.

31.—(1) Where, apart from subsection (8) of section eight of this Act, particulars would be required to be furnished to the Registrar under section ten of this Act in respect of any agreement or term of an agreement which relates to the supply of goods by export from the United Kingdom, the like particulars shall be furnished to the Board of Trade, and sections ten, fourteen, sixteen and seventeen of this Act shall apply accordingly as if for any reference in the said sections ten, fourteen and seventeen to the Registrar there were substituted a reference to the Board of Trade.

(2) Notwithstanding anything in section nine of the Monopolies and Restrictive Practices (Inquiry and Control) Act, 1948, the Board of Trade shall not be required to lay before Parliament any report made to them by the Monopolies Commission which relates exclusively to exports of goods from the United Kingdom, or any part of a report so made which relates exclusively to such exports :

Provided that where, according to any such report, conditions to which that Act applies in fact prevail as respects those

**PART III**  
—*cont.*

exports, and those conditions, or things done as a result of, or for the purpose of preserving, those conditions, operate or may be expected to operate against the public interest, this subsection shall not apply to so much of the report as relates to those conditions or to the things done as aforesaid.

**PART IV****SUPPLEMENTAL**

**Provision for  
additional  
judges of High  
Court and  
Court of  
Session.**

**32.—**(1) The number of puisne judges of the High Court who may be appointed under the Supreme Court of Judicature (Consolidation) Act, 1925, shall be increased by three; and accordingly subsection (1) of section two of the said Act of 1925, and subsections (1) and (2) of section one of the Supreme Court of Judicature (Amendment) Act, 1944, shall have effect as if for the word “thirty-nine” wherever that word occurs, there were substituted the word “forty-two”.

(2) The number of judges of the Court of Session who may be appointed shall be increased to sixteen, and accordingly subsection (1) of section one of the Administration of Justice (Scotland) Act, 1948, shall have effect as if for the word “fifteen” there were substituted the word “sixteen”.

**Restriction on  
disclosure of  
information.**

**33.—**(1) No information with respect to any particular trade or business which has been obtained under or by virtue of this Act shall, so long as that trade or business continues to be carried on, be disclosed without the consent of the person for the time being carrying on that trade or business, unless the disclosure is for the purpose of facilitating the performance of any functions of the Board of Trade or the Registrar under this Act, or under the Monopolies and Restrictive Practices (Inquiry and Control) Act, 1948, or for the purposes of, or of any report of, any proceedings before the Restrictive Practices Court or any other legal proceedings, whether civil or criminal, under this Act or arising out of the carrying of this Act into effect.

(2) Nothing in this section shall be construed as limiting the particulars which may be entered or filed in, or may be made public as part of, the register under Part I of this Act.

(3) Any person who discloses any information in contravention of this section shall be guilty of an offence, and shall be liable on summary conviction to imprisonment for a term not exceeding three months, or to a fine not exceeding one hundred pounds or to both such imprisonment and such a fine, or on conviction on indictment to imprisonment for a term not exceeding two years or to a fine, or to both such imprisonment and a fine.

**34.** 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.

PART IV  
—cont.  
Proceedings  
of Board  
of Trade.

**35.—**(1) There shall be defrayed out of moneys provided by Parliament—

Expenses, etc.

- (a) any sums required for the payment of remuneration or expenses of the Registrar (including remuneration payable to Assistant Registrars or other officers or servants of the Registrar);
- (b) any sums required for the payment of the remuneration of appointed members of the Restrictive Practices Court or of expenses of that Court (including remuneration of officers and servants of the Court);
- (c) any sums required for the payment of pensions, allowances or gratuities, or contributions or other payments towards provision for pensions, allowances or gratuities, in respect of persons who have held office as Registrar or as appointed member of the said Court;
- (d) any increase attributable to this Act in the sums payable out of moneys provided as aforesaid under the Superannuation Acts, 1834 to 1950.

(2) There shall be defrayed out of the Consolidated Fund and out of moneys provided by Parliament respectively any increase attributable to section thirty-two of this Act in the sums required to be so defrayed.

(3) Any fees received by the Registrar under this Act shall be paid into the Exchequer.

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

Interpretation.

- “enactment” includes an enactment of the Parliament of Northern Ireland;
- “goods” includes ships and aircraft, minerals, substances and animals (including fish), and references to the production of goods include references to the getting of minerals and the taking of such animals;
- “inter-connected bodies corporate” means bodies corporate which are members of the same group, and for the purposes of this definition “group” means a body corporate and all other bodies corporate which are its subsidiaries within the meaning of section one hundred and fifty-four of the Companies Act, 1948;

**PART IV**  
—*cont.*

“price” includes a charge of any description ;

“the Registrar” has the meaning assigned by section one of this Act ;

“supply” includes supply by way of lease or hire, and “acquire” shall be construed accordingly.

(2) This Act applies to the construction or carrying out of buildings, structures and other works by contractors, as it applies to the supply of goods, and for the purposes of this Act any buildings, structures or other works so constructed or carried out shall be deemed to be delivered at the place where they are constructed or carried out.

(3) For the purposes of this Act a person shall not be deemed to carry on a business within the United Kingdom by reason only of the fact that he is represented for the purposes of that business by an agent within the United Kingdom.

(4) Any reference in this Act to any other enactment is a reference thereto as amended, and includes a reference thereto as extended or applied, by or under any subsequent enactment, including this Act.

Application  
to Northern  
Ireland.

**37.**—(1) It is hereby declared that this Act extends to Northern Ireland, but the Parliament of Northern Ireland shall have the same power to pass Acts with respect to any matter as they would have had if this Act had not passed and, in the event of any inconsistency between any Act of the Parliament of Northern Ireland duly passed after the passing of this Act and any provision of or any order or other instrument under this Act, the Act of the Parliament of Northern Ireland shall, in Northern Ireland, prevail.

(2) In the application of this Act to Northern Ireland “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.

Short title.

**38.** This Act may be cited as the Restrictive Trade Practices Act, 1956.

## SCHEDULE

Sections 2, 23.

SUPPLEMENTARY PROVISIONS AS TO PROCEEDINGS OF  
RESTRICTIVE PRACTICES COURT

1. Subject to rules made under section twenty-three of this Act, the Court may sit at such times and in such place or places in any part of the United Kingdom as may be most convenient for the determination of proceedings before it.

2. The central office of the Court shall be in London; and the Court when sitting in public in London shall sit at the Royal Courts of Justice, or at such other place as the Lord Chancellor may from time to time appoint.

3. The Court may sit either as a single court or in two or more divisions concurrently and either in private or in open court.

4. For the hearing of any proceedings the Court shall consist of a presiding judge and at least two other members.

5. On the hearing of any proceedings, the opinion of the judge or judges sitting as members of the Court upon any question of law shall prevail; but except as aforesaid the decision of the Court shall be taken by all the members sitting, or, in the event of a difference of opinion by the votes of the majority of those members, and, in the event of an equality of votes, the presiding judge shall be entitled to a second or casting vote.

6. The judgment of the Court in any proceedings shall be delivered by the presiding judge.

7. The decision of the Court on a question of fact shall be final: but an appeal shall lie on any question of law from any decision or order of the Court—

- (a) in the case of proceedings in England and Wales, to the Court of Appeal;
- (b) in the case of proceedings in Scotland, to the Court of Session;
- (c) in the case of proceedings in Northern Ireland, to the Court of Appeal in Northern Ireland.

8. Any appeal under the last foregoing paragraph to the Court of Appeal or the Court of Appeal in Northern Ireland shall be by way of case stated, and any such appeal to the Court of Session shall be by way of stated case.

9. Except so far as may be provided by rules made in pursuance of paragraph (d) of subsection (2) of section twenty-three of this Act, the Court shall not have power to order the payment of costs by any party to proceedings before it.

10. In relation to the attendance and examination of witnesses, the production and inspection of documents, the enforcement of its orders, and all other matters incidental to its jurisdiction under this

SCH.  
—cont.

Act, the Court shall, subject to the provisions of this Schedule, have the like powers, rights, privileges and authority—

- (a) in England and Wales, as the High Court ;
- (b) in Scotland, as the Court of Session ;
- (c) in Northern Ireland, as the High Court of Northern Ireland.

11. Every person who has the right of audience at the trial of an action in the High Court or in the Court of Session, or in proceedings preliminary to such a trial, shall have the like right at the hearing of any application to the Court, whether sitting in England and Wales or in Scotland, or in proceedings preliminary to such a hearing, as the case may be ; and every person who has the right of audience at the trial of an action in the High Court of Northern Ireland, or in proceedings preliminary to such a trial, shall have the like right at the hearing of any application to the Court when sitting in Northern Ireland, or in proceedings preliminary to such a hearing, as the case may be.

12. No person shall be punished for contempt of the Court except by or with the consent of a judge who is a member of the Court.

*Table of Statutes referred to in this Act*

| Short Title                                                           | Session and Chapter                    |
|-----------------------------------------------------------------------|----------------------------------------|
| Documentary Evidence Act, 1868 ... ..                                 | 31 & 32 Vict. c. 37.                   |
| Trade Disputes Act, 1906 ... ..                                       | 6 Edw. 7. c. 47.                       |
| Industrial Courts Act, 1919 ... ..                                    | 9 & 10 Geo. 5. c. 69.                  |
| Supreme Court of Judicature (Consolidation) Act, 1925.                | 15 & 16 Geo. 5. c. 49.                 |
| Hire-Purchase and Small Debt (Scotland) Act, 1932.                    | 22 & 23 Geo. 5. c. 38.                 |
| Trade Marks Act, 1938 ... ..                                          | 1 & 2 Geo. 6. c. 22.                   |
| Hire-Purchase Act, 1938 ... ..                                        | 1 & 2 Geo. 6. c. 53.                   |
| Supreme Court of Judicature (Amendment) Act, 1944.                    | 7 & 8 Geo. 6. c. 9.                    |
| Statutory Instruments Act, 1946 ... ..                                | 9 & 10 Geo. 6. c. 36.                  |
| Companies Act, 1948 ... ..                                            | 11 & 12 Geo. 6. c. 38.                 |
| Monopolies and Restrictive Practices (Inquiry and Control) Act, 1948. | 11 & 12 Geo. 6. c. 66.                 |
| Administration of Justice (Scotland) Act, 1948                        | 12, 13 & 14 Geo. 6. c. 10.             |
| Income Tax Act, 1952 ... ..                                           | 15 & 16 Geo. 6. & 1 Eliz. 2.<br>c. 10. |
| Magistrates' Courts Act, 1952 ... ..                                  | 15 & 16 Geo. 6. & 1 Eliz. 2.<br>c. 55. |
| Iron and Steel Act, 1953 ... ..                                       | 1 & 2 Eliz. 2. c. 15.                  |
| Monopolies and Restrictive Practices Commission Act, 1953.            | 1 & 2 Eliz. 2. c. 51.                  |
| Summary Jurisdiction (Scotland) Act, 1954 ...                         | 2 & 3 Eliz. 2. c. 48.                  |



## CHAPTER 69

### *Sexual Offences Act, 1956*

#### ARRANGEMENT OF SECTIONS

##### PART I

##### OFFENCES, AND THE PROSECUTION AND PUNISHMENT OF OFFENCES

###### *Intercourse by force, intimidation, etc.*

###### Section

1. Rape.
2. Procurement of woman by threats.
3. Procurement of woman by false pretences.
4. Administering drugs to obtain or facilitate intercourse.

###### *Intercourse with girls under sixteen*

5. Intercourse with girl under thirteen.
6. Intercourse with girl between thirteen and sixteen.

###### *Intercourse with defectives*

7. Intercourse with an idiot or imbecile.
8. Intercourse with defective.
9. Procurement of defective.

###### *Incest*

10. Incest by a man.
11. Incest by a woman.

###### *Unnatural offences*

12. Buggery.
13. Indecency between men.

###### *Assaults*

14. Indecent assault on a woman.
15. Indecent assault on a man.
16. Assault with intent to commit buggery.

###### *Abduction*

17. Abduction of woman by force or for the sake of her property.
18. Fraudulent abduction of heiress from parent or guardian.
19. Abduction of unmarried girl under eighteen from parent or guardian.
20. Abduction of unmarried girl under sixteen from parent or guardian.
21. Abduction of defective from parent or guardian.

*Prostitution, procuration, etc.*

## Section

22. Causing prostitution of women.
23. Procuration of girl under twenty-one.
24. Detention of woman in brothel or other premises.
25. Permitting girl under thirteen to use premises for intercourse.
26. Permitting girl between thirteen and sixteen to use premises for intercourse.
27. Permitting defective to use premises for intercourse.
28. Causing or encouraging prostitution of, intercourse with, or indecent assault on, girl under sixteen.
29. Causing or encouraging prostitution of defective.
30. Man living on earnings of prostitution.
31. Woman exercising control over prostitute.

*Solicitation*

32. Solicitation by men.

*Suppression of brothels*

33. Keeping a brothel.
34. Landlord letting premises for use as brothel.
35. Tenant permitting premises to be used as brothel.
36. Tenant permitting premises to be used for prostitution.

*Powers and procedure for dealing with offenders*

37. Prosecution and punishment of offences.
38. Powers of court in case of incest with girl under twenty-one.
39. Evidence of wife or husband of accused.

*Powers of arrest and search*

40. Power of arrest in case of procuration or prostitution of women.
41. Power of arrest in cases of trading in prostitution, or of soliciting by men.
42. Power of search in case of man living on earnings of prostitution.
43. Power to search for and remove woman detained for immoral purposes.

*Interpretation*

44. Meaning of "sexual intercourse".
45. Meaning of "defective".
46. Use of words "man", "boy", "woman" and "girl".
47. Proof of exceptions.

## PART II

## SUPPLEMENTARY

48. Amendments of Acts not consolidated.
49. Adaptation of enactments applying to Scotland.
50. Adaptation of enactments applying to Northern Ireland.
51. Repeal.
52. Savings, etc.
53. Construction of references to enactments.
54. Extent.
55. Short title.
56. Commencement.

## SCHEDULES:

First Schedule—Rights of landlord where tenant convicted of permitting use of premises as brothel.

Second Schedule—Table of offences, with mode of prosecution, punishments, etc.

Third Schedule—Consequential amendments of enactments not consolidated.

Fourth Schedule—Repeals.

---

An Act to consolidate (with corrections and improvements made under the Consolidation of Enactments (Procedure) Act, 1949) the statute law of England and Wales relating to sexual crimes, to the abduction, procuration and prostitution of women and to kindred offences, and to make such adaptations of statutes extending beyond England and Wales as are needed in consequence of that consolidation. [2nd August, 1956]

**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

OFFENCES, AND THE PROSECUTION AND PUNISHMENT  
OF OFFENCES*Intercourse by force, intimidation, etc.*

1.—(1) It is felony for a man to rape a woman.

Rape.

(2) A man who induces a married woman to have sexual intercourse with him by impersonating her husband commits rape.

2.—(1) It is an offence for a person to procure a woman, Procurement by threats or intimidation, to have unlawful sexual intercourse of woman in any part of the world. by threats.

(2) A person shall not be convicted of an offence under this section on the evidence of one witness only, unless the witness is corroborated in some material particular by evidence implicating the accused.

PART I  
—cont.

Procurement  
of woman by  
false  
pretences.

3.—(1) It is an offence for a person to procure a woman, by false pretences or false representations, to have unlawful sexual intercourse in any part of the world.

(2) A person shall not be convicted of an offence under this section on the evidence of one witness only, unless the witness is corroborated in some material particular by evidence implicating the accused.

Administering  
drugs to  
obtain or  
facilitate  
intercourse.

4.—(1) It is an offence for a person to apply or administer to, or cause to be taken by, a woman any drug, matter or thing with intent to stupefy or overpower her so as thereby to enable any man to have unlawful sexual intercourse with her.

(2) A person shall not be convicted of an offence under this section on the evidence of one witness only, unless the witness is corroborated in some material particular by evidence implicating the accused.

*Intercourse with girls under sixteen*

Intercourse  
with girl under  
thirteen.

5. It is felony for a man to have unlawful sexual intercourse with a girl under the age of thirteen.

Intercourse  
with girl  
between  
thirteen and  
sixteen.

6.—(1) It is an offence, subject to the exceptions mentioned in this section, for a man to have unlawful sexual intercourse with a girl not under the age of thirteen but under the age of sixteen.

(2) Where a marriage is invalid under section two of the Marriage Act, 1949, or section one of the Age of Marriage Act, 1929 (the wife being a girl under the age of sixteen), the invalidity does not make the husband guilty of an offence under this section because he has sexual intercourse with her, if he believes her to be his wife and has reasonable cause for the belief.

(3) A man is not guilty of an offence under this section because he has unlawful sexual intercourse with a girl under the age of sixteen, if he is under the age of twenty-four and has not previously been charged with a like offence, and he believes her to be of the age of sixteen or over and has reasonable cause for the belief.

In this subsection, “a like offence” means an offence under this section or an attempt to commit one, or an offence under paragraph (1) of section five of the Criminal Law Amendment Act, 1885 (the provision replaced for England and Wales by this section).

*Intercourse with defectives*

Intercourse  
with an idiot  
or imbecile.

7. It is an offence for a man to have unlawful sexual intercourse with a woman whom he knows to be an idiot or imbecile.

8.—(1) It is an offence, subject to the exception mentioned in this section, for a man to have unlawful sexual intercourse with a woman who is under care or treatment in an institution, certified house or approved home within the meaning of the Mental Deficiency Act, 1913, or placed out on licence therefrom or under guardianship under that Act.

PART I  
—cont.  
Intercourse with defective

(2) A man is not guilty of an offence under this section because he has unlawful sexual intercourse with such a woman, if, he does not know and has no reason to suspect her to be a defective.

9.—(1) It is an offence, subject to the exception mentioned in this section, for a person to procure a woman who is a defective to have unlawful sexual intercourse in any part of the world.

Procurement of defective.

(2) A person is not guilty of an offence under this section because he procures a defective to have unlawful sexual intercourse, if he does not know and has no reason to suspect her to be a defective.

*Incest*

10.—(1) It is an offence for a man to have sexual intercourse with a woman whom he knows to be his grand-daughter, daughter, sister or mother.

Incest by a man.

(2) In the foregoing subsection "sister" includes half-sister, and for the purposes of that subsection any expression importing a relationship between two people shall be taken to apply notwithstanding that the relationship is not traced through lawful wedlock.

11.—(1) It is an offence for a woman of the age of sixteen or over to permit a man whom she knows to be her grandfather, father, brother or son to have sexual intercourse with her by her consent.

Incest by a woman.

(2) In the foregoing subsection "brother" includes half-brother, and for the purposes of that subsection any expression importing a relationship between two people shall be taken to apply notwithstanding that the relationship is not traced through lawful wedlock.

*Unnatural offences*

12.—(1) It is felony for a person to commit buggery with another person or with an animal.

Buggery.

(2) Section thirty-nine of this Act (which relates to the competence as a witness of the wife or husband of the accused) does not apply in the case of this section, except on a charge of an offence with a person under the age of seventeen.

**PART I**  
—*cont.*

(3) For the purposes of the last foregoing subsection a person shall be presumed, unless the contrary is proved, to have been under the age of seventeen at the time of the offence charged if he is stated in the charge or indictment, and appears to the court, to have been so.

**Indecency  
between men.**

13. It is an offence for a man to commit an act of gross indecency with another man, whether in public or private, or to be a party to the commission by a man of an act of gross indecency with another man, or to procure the commission by a man of an act of gross indecency with another man.

*Assaults*

**Indecent  
assault on a  
woman.**

14.—(1) It is an offence, subject to the exception mentioned in subsection (3) of this section, for a person to make an indecent assault on a woman.

(2) A girl under the age of sixteen cannot in law give any consent which would prevent an act being an assault for the purposes of this section.

(3) Where a marriage is invalid under section two of the Marriage Act, 1949, or section one of the Age of Marriage Act, 1929 (the wife being a girl under the age of sixteen), the invalidity does not make the husband guilty of any offence under this section by reason of her incapacity to consent while under that age, if he believes her to be his wife and has reasonable cause for the belief.

(4) A woman who is a defective cannot in law give any consent which would prevent an act being an assault for the purposes of this section, but a person is only to be treated as guilty of an indecent assault on a defective by reason of that incapacity to consent, if that person knew or had reason to suspect her to be a defective.

**Indecent  
assault on a  
man.**

15.—(1) It is an offence for a person to make an indecent assault on a man.

(2) A boy under the age of sixteen cannot in law give any consent which would prevent an act being an assault for the purposes of this section.

(3) A man who is a defective cannot in law give any consent which would prevent an act being an assault for the purposes of this section, but a person is only to be treated as guilty of an indecent assault on a defective by reason of that incapacity to consent, if that person knew or had reason to suspect him to be a defective.

(4) Section thirty-nine of this Act (which relates to the competence as a witness of the wife or husband of the accused) does

not apply in the case of this section, except on a charge of indecent assault on a boy under the age of seventeen.

PART I  
—cont.

(5) For the purposes of the last foregoing subsection a person shall be presumed, unless the contrary is proved, to have been under the age of seventeen at the time of the offence charged if he is stated in the charge or indictment, and appears to the court, to have been so.

16.—(1) It is an offence for a person to assault another person with intent to commit buggery.

Assault with  
intent to  
commit  
buggery.

(2) Section thirty-nine of this Act (which relates to the competence as a witness of the wife or husband of the accused) does not apply in the case of this section, except on a charge of an assault on a person under the age of seventeen.

(3) For the purposes of the last foregoing subsection a person shall be presumed, unless the contrary is proved, to have been under the age of seventeen at the time of the offence charged if he is stated in the charge or indictment, and appears to the court, to have been so.

### Abduction

17.—(1) It is felony for a person to take away or detain a woman against her will with the intention that she shall marry or have unlawful sexual intercourse with that or any other person, if she is so taken away or detained either by force or for the sake of her property or expectations of property.

Abduction of  
woman by  
force or for the  
sake of her  
property.

(2) In the foregoing subsection, the reference to a woman's expectations of property relates only to property of a person to whom she is next of kin or one of the next of kin, and "property" includes any interest in property.

18.—(1) It is felony for a person to take or detain a girl under the age of twenty-one out of the possession of her parent or guardian against his will, if she has property or expectations of property and is so taken or detained by fraud and with the intention that she shall marry or have unlawful sexual intercourse with that or any other person.

Fraudulent  
abduction  
of heiress  
from parent  
or guardian.

(2) In the foregoing subsection, the reference to a girl's expectations of property relates only to property of a person to whom she is next of kin or one of the next of kin, "property" includes any interest in property and "guardian" means any person having the lawful care or charge of the girl.

**PART I**  
—*cont.*

Abduction of  
unmarried  
girl under  
eighteen  
from parent  
or guardian.

**19.**—(1) It is an offence, subject to the exception mentioned in this section, for a person to take an unmarried girl under the age of eighteen out of the possession of her parent or guardian against his will, if she is so taken with the intention that she shall have unlawful sexual intercourse with men or with a particular man.

(2) A person is not guilty of an offence under this section because he takes such a girl out of the possession of her parent or guardian as mentioned above, if he believes her to be of the age of eighteen or over and has reasonable cause for the belief.

(3) In this section “guardian” means any person having the lawful care or charge of the girl.

Abduction of  
unmarried  
girl under  
sixteen  
from parent  
or guardian.

**20.**—(1) It is an offence for a person acting without lawful authority or excuse to take an unmarried girl under the age of sixteen out of the possession of her parent or guardian against his will.

(2) In the foregoing subsection “guardian” means any person having the lawful care or charge of the girl.

Abduction of  
defective  
from parent  
or guardian.

**21.**—(1) It is an offence, subject to the exception mentioned in this section, for a person to take a woman who is a defective out of the possession of her parent or guardian against his will, if she is so taken with the intention that she shall have unlawful sexual intercourse with men or with a particular man.

(2) A person is not guilty of an offence under this section because he takes such a woman out of the possession of her parent or guardian as mentioned above, if he does not know and has no reason to suspect her to be a defective.

(3) In this section “guardian” means any person having the lawful care or charge of the woman.

*Prostitution, procuration etc.*

Causing  
prostitution  
of women.

**22.**—(1) It is an offence for a person—

- (a) to procure a woman to become, in any part of the world, a common prostitute ; or
- (b) to procure a woman to leave the United Kingdom, intending her to become an inmate of or frequent a brothel elsewhere ; or
- (c) to procure a woman to leave her usual place of abode in the United Kingdom, intending her to become an inmate of or frequent a brothel in any part of the world for the purposes of prostitution.



(2) A person shall not be convicted of an offence under this section on the evidence of one witness only, unless the witness is corroborated in some material particular by evidence implicating the accused.

PART I  
—cont.

**23.—**(1) It is an offence for a person to procure a girl under the age of twenty-one to have unlawful sexual intercourse in any part of the world with a third person.

Procurement  
of girl under  
twenty-one.

(2) A person shall not be convicted of an offence under this section on the evidence of one witness only, unless the witness is corroborated in some material particular by evidence implicating the accused.

**24.—**(1) It is an offence for a person to detain a woman against her will on any premises with the intention that she shall have unlawful sexual intercourse with men or with a particular man, or to detain a woman against her will in a brothel.

Detention of  
woman in  
brothel or  
other premises.

(2) Where a woman is on any premises for the purpose of having unlawful sexual intercourse or is in a brothel, a person shall be deemed for the purpose of the foregoing subsection to detain her there if, with the intention of compelling or inducing her to remain there, he either withholds from her her clothes or any other property belonging to her or threatens her with legal proceedings in the event of her taking away clothes provided for her by him or on his directions.

(3) A woman shall not be liable to any legal proceedings, whether civil or criminal, for taking away or being found in possession of any clothes she needed to enable her to leave premises on which she was for the purpose of having unlawful sexual intercourse or to leave a brothel.

**25.** It is felony for a person who is the owner or occupier of any premises, or who has, or acts or assists in, the management or control of any premises, to induce or knowingly suffer a girl under the age of thirteen to resort to or be on those premises for the purpose of having unlawful sexual intercourse with men or with a particular man.

Permitting  
girl under  
thirteen to use  
premises for  
intercourse.

**26.** It is an offence for a person who is the owner or occupier of any premises, or who has, or acts or assists in, the management or control of any premises, to induce or knowingly suffer a girl not under the age of thirteen, but under the age of sixteen, to resort to or be on those premises for the purpose of having unlawful sexual intercourse with men or with a particular man.

Permitting  
girl between  
thirteen and  
sixteen to use  
premises for  
intercourse.

**PART I**  
—*cont.*

Permitting defective to use premises for intercourse.

**27.—(1)** It is an offence, subject to the exception mentioned in this section, for a person who is the owner or occupier of any premises, or who has, or acts or assists in, the management or control of any premises, to induce or knowingly suffer a woman who is a defective to resort to or be on those premises for the purpose of having unlawful sexual intercourse with men or with a particular man.

(2) A person is not guilty of an offence under this section because he induces or knowingly suffers a defective to resort to or be on any premises for the purpose mentioned, if he does not know and has no reason to suspect her to be a defective.

Causing or encouraging prostitution of, intercourse with, or indecent assault on, girl under sixteen.

**28.—(1)** It is an offence for a person to cause or encourage the prostitution of, or the commission of unlawful sexual intercourse with, or of an indecent assault on, a girl under the age of sixteen for whom he is responsible.

(2) Where a girl has become a prostitute, or has had unlawful sexual intercourse, or has been indecently assaulted, a person shall be deemed for the purposes of this section to have caused or encouraged it, if he knowingly allowed her to consort with, or to enter or continue in the employment of, any prostitute or person of known immoral character.

(3) The persons who are to be treated for the purposes of this section as responsible for a girl are (subject to the next following subsection)—

- (a) any person who is her parent or legal guardian; and
- (b) any person who has actual possession or control of her, or to whose charge she has been committed by her parent or legal guardian or by a person having the custody of her; and
- (c) any other person who has the custody, charge or care of her.

(4) In the last foregoing subsection—

- (a) “parent” does not include, in relation to any girl, a person deprived of the custody of her by order of a court of competent jurisdiction (but (subject to that), in the case of a girl who has been adopted under the Adoption Act, 1950, or any Act thereby repealed, means her adopters and, in the case of a girl who is illegitimate (and has not been so adopted), means her mother and any person who has been adjudged to be her putative father;

(b) "legal guardian" means, in relation to any girl, any person who is for the time being her guardian, having been appointed according to law by deed or will or by order of a court of competent jurisdiction.

PART I  
—cont.

(5) If, on a charge of an offence against a girl under this section, the girl appears to the court to have been under the age of sixteen at the time of the offence charged, she shall be presumed for the purposes of this section to have been so, unless the contrary is proved.

29.—(1) It is an offence, subject to the exception mentioned in this section, for a person to cause or encourage the prostitution in any part of the world of a woman who is a defective. Causing or encouraging prostitution of defective.

(2) A person is not guilty of an offence under this section because he causes or encourages the prostitution of such a woman, if he does not know and has no reason to suspect her to be a defective.

30.—(1) It is an offence for a man knowingly to live wholly or in part on the earnings of prostitution. Man living on earnings of prostitution.

(2) For the purposes of this section a man who lives with or is habitually in the company of a prostitute, or who exercises control, direction or influence over a prostitute's movements in a way which shows he is aiding, abetting or compelling her prostitution with others, shall be presumed to be knowingly living on the earnings of prostitution, unless he proves the contrary.

31. It is an offence for a woman for purposes of gain to exercise control, direction or influence over a prostitute's movements in a way which shows she is aiding, abetting or compelling her prostitution. Woman exercising control over prostitute.

#### *Solicitation*

32. It is an offence for a man persistently to solicit or importune in a public place for immoral purposes. Solicitation by men.

#### *Suppression of brothels*

33. It is an offence for a person to keep a brothel, or to manage, or act or assist in the management of, a brothel. Keeping a brothel.

34. It is an offence for the lessor or landlord of any premises or his agent to let the whole or part of the premises with the knowledge that it is to be used, in whole or in part, as a brothel, or, where the whole or part of the premises is used as a brothel, to be wilfully a party to that use continuing. Landlord letting premises for use as brothel.

PART I  
—cont.

Tenant  
permitting  
premises  
to be used  
as brothel.

**35.—(1)** It is an offence for the tenant or occupier, or person in charge, of any premises knowingly to permit the whole or part of the premises to be used as a brothel.

(2) Where the tenant or occupier of any premises is convicted (whether under this section or, for an offence committed before the commencement of this Act, under section thirteen of the Criminal Law Amendment Act, 1885) of knowingly permitting the whole or part of the premises to be used as a brothel, the First Schedule to this Act shall apply to enlarge the rights of the lessor or landlord with respect to the assignment or determination of the lease or other contract under which the premises are held by the person convicted.

(3) Where the tenant or occupier of any premises is so convicted, or was so convicted under the said section thirteen before the commencement of this Act, and either—

(a) the lessor or landlord, after having the conviction brought to his notice, fails or failed to exercise his statutory rights in relation to the lease or contract under which the premises are or were held by the person convicted; or

(b) the lessor or landlord, after exercising his statutory rights so as to determine that lease or contract, grants or granted a new lease or enters or entered into a new contract of tenancy of the premises to, with or for the benefit of the same person, without having all reasonable provisions to prevent the recurrence of the offence inserted in the new lease or contract;

then, if subsequently an offence under this section is committed in respect of the premises during the subsistence of the lease or contract referred to in paragraph (a) of this subsection or (where paragraph (b) applies) during the subsistence of the new lease or contract, the lessor or landlord shall be deemed to be a party to that offence unless he shows that he took all reasonable steps to prevent the recurrence of the offence.

References in this subsection to the statutory rights of a lessor or landlord refer to his rights under the First Schedule to this Act or under subsection (1) of section five of the Criminal Law Amendment Act, 1912 (the provision replaced for England and Wales by that Schedule).

Tenant  
permitting  
premises to  
be used for  
prostitution.

**36.** It is an offence for the tenant or occupier of any premises knowingly to permit the whole or part of the premises to be used for the purposes of habitual prostitution.

*Powers and procedure for dealing with offenders*PART I  
—cont.

37.—(1) The Second Schedule to this Act shall have effect, subject to and in accordance with the following provisions of this section, with respect to the prosecution and punishment of the offences listed in the first column of the Schedule, being the offences under this Act and attempts to commit certain of those offences.

Prosecution  
and  
punishment  
of offences.

(2) The second column in the Schedule shows, for any offence, if it may be prosecuted on indictment or summarily, or either, if an indictment is not triable by a court of quarter sessions and what special restrictions (if any) there are on the commencement of a prosecution.

(3) The third column in the Schedule shows, for any offence, the punishments which may be imposed on conviction on indictment or on summary conviction, a reference to a period giving the maximum term of imprisonment and a reference to a sum of money the maximum fine.

(4) The fourth column in the Schedule contains provisions which are either supplementary to those in the second or third column or enable a person charged on indictment with the offence specified in the first column to be found guilty of another offence if the jury are not satisfied that he is guilty of the offence charged or of an attempt to commit it, but are satisfied that he is guilty of the other offence.

(5) A provision in the fourth column of the Schedule enabling the jury to find the accused guilty of an offence specified in that provision authorises them, if not satisfied that he is guilty of the offence so specified, to find him guilty of any other offence of which they could find him guilty if he had been indicted for the offence so specified.

(6) Where in the Schedule there is used a phrase descriptive of an offence or group of offences followed by a reference to a section by its number only, the reference is to a section of this Act, and the phrase shall be taken as referring to any offence under the section mentioned.

(7) Nothing in this section or in the Second Schedule to this Act shall exclude the application to any of the offences referred to in the first column of the Schedule—

- (a) of section twenty or twenty-one of the Magistrates' Courts Act, 1952 (which relate to the summary trial of young offenders for indictable offences); or
- (b) of subsection (5) of section ninety-eight of that Act (which limits the punishment which may be imposed by a magistrates' court sitting in an occasional court-house); or

**PART I**  
**—cont.**

- (c) of any enactment or rule of law restricting a court's power to imprison ; or
- (d) of any enactment or rule of law authorising an offender to be dealt with in a way not authorised by the enactments specially relating to his offence ; or
- (e) of any enactment or rule of law authorising a jury to find a person guilty of an offence other than that with which he is charged.

**Powers of court in case of incest with girl under twenty-one.**

**38.—(1)** On a man's conviction of an offence under section ten of this Act against a girl under the age of twenty-one, or of attempting to commit such an offence, the court may by order divest him of all authority over her.

(2) An order divesting a man of authority over a girl under the foregoing subsection may, if he is her guardian, remove him from the guardianship.

(3) An order under this section may appoint a person to be the girl's guardian during her minority or any less period.

(4) An order under this section may be varied from time to time or rescinded by the High Court.

**Evidence of wife or husband of accused.**

**39.—(1)** Where this section applies, the wife or husband of the accused shall be competent to give evidence at every stage of the proceedings, whether for the defence or for the prosecution, and whether the accused is charged solely or jointly with any other person :

Provided that—

- (a) the wife or husband shall not be compellable either to give evidence or, in giving evidence, to disclose any communication made to her or him during the marriage by the accused ; and
- (b) the failure of the wife or husband of the accused to give evidence shall not be made the subject of any comment by the prosecution.

(2) Subject to the following subsection, this section applies on a charge of any offence under this Act, except in so far as it is excluded in the case of section twelve (buggery), section fifteen (indecent assault on a man) and section sixteen (assault with intent to commit buggery).

(3) This section shall not affect section one of the Criminal Evidence Act, 1898, or any case where the wife or husband of the accused may at common law be called as a witness without the consent of the accused.

*Powers of arrest and search*PART I  
—cont.

40. A constable may arrest a person without a warrant, if the constable suspects him of having committed, or of attempting to commit, an offence under section twenty-two or twenty-three of this Act, and has reasonable cause so to suspect. Power of arrest in case of procuration or prostitution of women.
41. Anyone may arrest without a warrant a person found committing an offence under section thirty, thirty-one or thirty-two of this Act. Power of arrest in cases of trading in prostitution, or of soliciting by men.
42. Where it is made to appear by information on oath before a justice of the peace that there is reasonable cause to suspect that any house or part of a house is used by a woman for purposes of prostitution, and that a man residing in or frequenting the house is living wholly or in part on her earnings, the justice may issue a warrant authorising a constable to enter and search the house and to arrest the man. Power of search in case of man living on earnings of prostitution.
- 43.—(1) Where it is made to appear by information on oath laid before a justice of the peace by a woman's parent, relative or guardian, or by any other person who in the opinion of the justice is acting in the woman's interests, that there is reasonable cause to suspect— Power to search for and remove woman detained for immoral purposes.
- (a) that the woman is detained in any place within the justice's jurisdiction in order that she may have unlawful sexual intercourse with men or with a particular man; and
- (b) that either she is so detained against her will, or she is under the age of sixteen or is a defective, or she is under the age of eighteen and is so detained against the will of her parent or guardian;
- then the justice may issue a warrant authorising a named constable to search for her and to take her to and detain her in a place of safety until she can be brought before a justice of the peace.
- (2) A justice before whom a woman is brought in pursuance of the foregoing subsection may cause her to be delivered up to her parent or guardian, or otherwise dealt with as circumstances may permit and require.
- (3) A constable authorised by a warrant under this section to search for a woman may enter (if need be, by force) any premises specified in the warrant, and remove the woman from the premises.

**PART I**  
—*cont.*

(4) A constable executing a warrant issued under this section shall be accompanied by the person applying for the warrant, if that person so desires, unless the justice issuing it otherwise directs.

(5) In this section “guardian” means any person having the lawful care or charge of the woman.

(6) The powers conferred by this section shall be in addition to and not in derogation of those conferred by section forty of the Children and Young Persons Act, 1933.

*Interpretation*

Meaning of  
“sexual  
intercourse”.

44. Where, on the trial of any offence under this Act, it is necessary to prove sexual intercourse (whether natural or unnatural), it shall not be necessary to prove the completion of the intercourse by the emission of seed, but the intercourse shall be deemed complete upon proof of penetration only.

Meaning of  
“defective”.

45.—(1) In this Act, “defective” means a person—

(a) in whose case there exists mental defectiveness which is of such a degree that he requires care, supervision and control for his own protection or for the protection of others or, in the case of a child, involves disability of mind of such a nature and extent as to make him, for the purposes of section fifty-seven of the Education Act, 1944, incapable of receiving education at school; or

(b) in whose case there exists mental defectiveness coupled with strongly vicious or criminal propensities and who requires care, supervision and control for the protection of others.

(2) For the purposes of this section, “mental defectiveness” means a condition of arrested or incomplete development of mind existing before the age of eighteen, whether arising from inherent causes or induced by disease or injury.

Use of words  
“man”,  
“boy”,  
“woman”  
and “girl”.

46. The use in any provision of this Act of the word “man” without the addition of the word “boy”, or vice versa, shall not prevent the provision applying to any person to whom it would have applied if both words had been used, and similarly with the words “woman” and “girl”.

Proof of  
exceptions.

47. Where in any of the foregoing sections the description of an offence is expressed to be subject to exceptions mentioned in the section, proof of the exception is to lie on the person relying on it.



## PART II

PART II  
—cont.

## SUPPLEMENTARY

*Consequential amendments*

**48.** The enactments mentioned in the first column of the Third Schedule to this Act shall be amended as shown in the second column of the Schedule. Amendments of Acts not consolidated.

**49.** In Scotland—

Adaptation of enactments applying to Scotland.

(a) a charge of an offence under section six of this Act, or of an attempt to commit one, shall be taken into account under the proviso to section two of the Criminal Law Amendment Act, 1922, in the same way as a charge of an offence under paragraph (1) of section five of the Criminal Law Amendment Act, 1885 ;

(b) a conviction under section thirty-three, thirty-four, thirty-five or thirty-six of this Act shall be taken into account under section three of the Criminal Law Amendment Act, 1922, in the same way as a conviction under section thirteen of the Criminal Law Amendment Act, 1885.

**50.**—(1) In Northern Ireland, a conviction under section thirty-three, thirty-four, thirty-five or thirty-six of this Act shall be taken into account under section three of the Criminal Law Amendment Act (Northern Ireland), 1923, in the same way as a conviction under section thirteen of the Criminal Law Amendment Act, 1885. Adaptation of enactments applying to Northern Ireland.

(2) The foregoing subsection shall, for the purposes of section six of the Government of Ireland Act, 1920, be deemed to have been passed before the appointed day.

**51.** Subject to the following provisions of this Act, the enactments specified in the Fourth Schedule to this Act are repealed to the extent specified in the third column of that Schedule. Repeal.

**52.**—(1) Nothing in this Act shall affect any previous enactment in its operation in relation to offences under any such enactment committed or partly committed before the commencement of this Act, or in relation to anything done before that commencement under the authority or for the purposes of any such enactment: Savings, etc.

Provided that subsection (1) of section five of the Criminal Law Amendment Act, 1912, shall not apply where the First Schedule to this Act applies by virtue of subsection (2) of section thirty-five of this Act.

**PART II**  
—*cont.*

(2) Subject to the provisions of this Act, and in particular to those of the Third Schedule, any reference in any document to an enactment repealed by this Act shall be construed as referring, or as including a reference, to the corresponding provision of this Act, so far as may be necessary to prevent this Act altering the substantial effect of the document.

(3) Without prejudice to the last foregoing subsection any reference in any document to an offence under an enactment repealed by this Act, if it referred, or included a reference, to an attempt to commit an offence under such an enactment, shall be construed as referring, or as including a reference, to an attempt to commit the corresponding offence under this Act, so far as may be necessary to prevent this Act altering the substantial effect of the document.

(4) The inclusion in this Act of any express saving or amendment shall not be taken as prejudicing the operation of section thirty-eight of the Interpretation Act, 1889 (which relates to the effect of repeals).

**Construction  
of references  
to enactments.**

**53.** Except in so far as the context otherwise requires, any reference in this Act to any other enactment shall be taken as referring to that enactment as amended by any subsequent enactment, including this Act.

**Extent.**

**54.—(1)** This Act shall not extend to Scotland, except section forty-nine and so much of the Third Schedule as amends the Extradition Act, 1873.

(2) This Act shall not extend to Northern Ireland, except section fifty and so much of the Third Schedule as amends the Extradition Act, 1873.

**Short title.**

**55.** This Act may be cited as the Sexual Offences Act, 1956.

**Commence-  
ment.**

**56.** This Act shall come into force on the first day of January, nineteen hundred and fifty-seven.

## SCHEDULES

### FIRST SCHEDULE

Section 35

#### RIGHTS OF LANDLORD WHERE TENANT CONVICTED OF PERMITTING USE OF PREMISES AS BROTHEL

1. Upon the conviction of the tenant or occupier (in this Schedule referred to as "the tenant"), the lessor or landlord may require the tenant to assign the lease or other contract under which the premises are held by him to some person approved by the lessor or landlord.
2. If the tenant fails to do so within three months, the lessor or landlord may determine the lease or contract (but without prejudice to the rights or remedies of any party thereto accrued before the date of the determination).
3. Where the lease or contract is determined under this Schedule, the court by which the tenant was convicted may make a summary order for delivery of possession of the premises to the lessor or landlord.
4. The approval of the lessor or landlord for the purposes of paragraph 1 of this Schedule shall not be unreasonably withheld.
5. This Schedule shall have effect subject to the Rent and Mortgage Interest Restrictions Acts, 1920 to 1939, the Furnished Houses (Rent Control) Act, 1946, Part II of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951, and Part I of the Landlord and Tenant Act, 1954.

Section 37. **SECOND SCHEDULE.**  
**TABLE OF OFFENCES, WITH MODE OF PROSECUTION, PUNISHMENTS, ETC.**

**PART I**  
*Felonies and attempts at felonies*

| Offence                       | Mode of prosecution                             | Punishment  | Provisions as to alternative verdicts etc.                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-------------------------------|-------------------------------------------------|-------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. (a) Rape (section one) ... | On indictment, not triable at quarter sessions. | Life ... .. | The jury may find the accused guilty—<br>(i) of procurement of a woman by threats (section two); or<br>(ii) of procurement of a woman by false pretences (section three); or<br>(iii) of administering drugs to obtain or facilitate intercourse (section four); or<br>(iv) of intercourse with a girl under thirteen (section five); or<br>(v) of intercourse with a girl between thirteen and sixteen (section six); or<br>(vi) of intercourse with an idiot or imbecile (section seven); or |

|                                                                                     |                                                 |                |     |     |                                                                                                                                                                  |
|-------------------------------------------------------------------------------------|-------------------------------------------------|----------------|-----|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (b) An attempt to commit this offence.                                              | On indictment ...                               | Seven years    | ... | ... | (vii) of intercourse with a defective (section eight); or (viii) of incest (section ten); or (ix) of indecent assault on a woman (section fourteen).             |
| 2. (a) Intercourse with girl under thirteen (section five).                         | On indictment, not triable at quarter sessions. | Life           | ... | ... | The jury may find the accused guilty of any of the offences mentioned in paragraphs (i), (ii), (iii), (v), (vi), and (ix) of the foregoing entry in this column. |
| (b) An attempt to commit this offence.                                              | On indictment, not triable at quarter sessions. | Two years      | ... | ... | —                                                                                                                                                                |
| 3. (a) Buggery (section twelve)                                                     | On indictment, not triable at quarter sessions. | Life           | ... | ... | —                                                                                                                                                                |
| (b) An attempt to commit this offence.                                              | On indictment ...                               | Ten years      | ... | ... | —                                                                                                                                                                |
| 4. Abduction of woman by force or for the sake of her property (section seventeen). | On indictment, not triable at quarter sessions. | Fourteen years | ... | ... | —                                                                                                                                                                |
| 5. Fraudulent abduction of heiress from parent or guardian (section eighteen).      | On indictment, not triable at quarter sessions. | Fourteen years | ... | ... | —                                                                                                                                                                |

2ND SCH.  
—cont.

| Offence                                                                                                             | Mode of prosecution                                                                                                                                                                                                                                                            | Punishment | Provisions as to alternative verdicts etc.                                                                          |
|---------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|---------------------------------------------------------------------------------------------------------------------|
| 6. Permitting girl under thirteen to use premises for intercourse (section twenty-five).                            | On indictment, not triable at quarter sessions.                                                                                                                                                                                                                                | Life       | The jury may find the accused guilty of an offence under section three of the Children and Young Persons Act, 1933. |
| PART II                                                                                                             |                                                                                                                                                                                                                                                                                |            |                                                                                                                     |
| <i>Offences other than felonies and attempts at felonies</i>                                                        |                                                                                                                                                                                                                                                                                |            |                                                                                                                     |
| 7. (a) Procurement of woman by threats (section two).<br>(b) An attempt to commit this offence.                     | On indictment, not triable at quarter sessions.<br>On indictment, not triable at quarter sessions.                                                                                                                                                                             | Two years  | —                                                                                                                   |
| 8. Procurement of woman by false pretences (section three).                                                         | On indictment, not triable at quarter sessions.                                                                                                                                                                                                                                | Two years  | —                                                                                                                   |
| 9. Administering drugs to obtain or facilitate intercourse (section four).                                          | On indictment, not triable at quarter sessions.                                                                                                                                                                                                                                | Two years  | —                                                                                                                   |
| 10. (a) Intercourse with girl between thirteen and sixteen (section six).<br>(b) An attempt to commit this offence. | On indictment, not triable at quarter sessions; a prosecution may not be commenced more than twelve months after the offence charged.<br>On indictment, not triable at quarter sessions; a prosecution may not be commenced more than twelve months after the offence charged. | Two years  | —                                                                                                                   |

|                                                             |                                                                                                                                                                                                                                                                                              |                                                                                               |     |                                                                                                                                                                                                                                                                |
|-------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 11. (a) Intercourse with idiot or imbecile (section seven). | On indictment, not triable at quarter sessions.                                                                                                                                                                                                                                              | Two years                                                                                     | ... | ...                                                                                                                                                                                                                                                            |
| (b) An attempt to commit this offence.                      | On indictment, not triable at quarter sessions.                                                                                                                                                                                                                                              | Two years                                                                                     | ... | ...                                                                                                                                                                                                                                                            |
| 12. (a) Intercourse with defective (section eight).         | On indictment, not triable at quarter sessions.                                                                                                                                                                                                                                              | Two years                                                                                     | ... | ...                                                                                                                                                                                                                                                            |
| (b) An attempt to commit this offence.                      | On indictment, not triable at quarter sessions.                                                                                                                                                                                                                                              | Two years                                                                                     | ... | —                                                                                                                                                                                                                                                              |
| 13. (a) Procurement of defective (section nine).            | On indictment, not triable at quarter sessions.                                                                                                                                                                                                                                              | Two years                                                                                     | ... | —                                                                                                                                                                                                                                                              |
| (b) An attempt to commit this offence.                      | On indictment, not triable at quarter sessions.                                                                                                                                                                                                                                              | Two years                                                                                     | ... | —                                                                                                                                                                                                                                                              |
| 14 (a) Incest by a man (section ten).                       | On indictment, not triable at quarter sessions; a prosecution may not be commenced without the sanction of the Attorney General, except by or on behalf of the Director of Public Prosecutions (subject however to sections thirteen and forty of the Children and Young Persons Act, 1933). | If with a girl under thirteen, and so charged in the indictment, life; otherwise seven years. | ... | The jury may find the accused guilty—<br>(i) of intercourse with a girl under thirteen (section five); or<br>(ii) of intercourse with a girl between thirteen and sixteen (section six); or<br>(iii) of intercourse with an idiot or imbecile (section seven). |

2ND SCH  
—cont.

| Offence                                             | Mode of prosecution                                                                                                                                                                                                                                                                          | Punishment                                | Provisions as to alternative verdicts etc. |
|-----------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|--------------------------------------------|
| 14.—cont.<br>(b) An attempt to commit this offence. | On indictment, not triable at quarter sessions; a prosecution may not be commenced without the sanction of the Attorney General, except by or on behalf of the Director of Public Prosecutions (subject however to sections thirteen and forty of the Children and Young Persons Act, 1933). | Two years<br>... ..<br>... ..<br>... ..   | —                                          |
| 15. (a) Incest by a woman (section eleven).         | On indictment, not triable at quarter sessions; a prosecution may not be commenced without the sanction of the Attorney General, except by or on behalf of the Director of Public Prosecutions (subject however to sections thirteen and forty of the Children and Young Persons Act, 1933). | Seven years<br>... ..<br>... ..<br>... .. | —                                          |
| (b) An attempt to commit this offence.              | On indictment, not triable at quarter sessions; a prosecution may not be commenced without the sanction of the Attorney General, except by or on behalf of the Director of Public Prosecutions (subject however to sections thirteen and forty of the Children and Young Persons Act, 1933). | Two years<br>... ..<br>... ..<br>... ..   | —                                          |



|                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                |                   |
|------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|-------------------|
| <p>(section thirteen).</p> <p>(b) An attempt to procure the commission by a man of an act of gross indecency with another man.</p> | <p>sections under section two of the Administration of Justice (Miscellaneous Provisions) Act, 1938 (which relates to courts with a legally qualified chairman), but not otherwise.</p> <p>On indictment, triable at quarter sessions under section two of the Administration of Justice (Miscellaneous Provisions) Act, 1938 (which relates to courts with a legally qualified chairman), but not otherwise.</p> | <p>Two years</p> <p>...</p> <p>...</p> | <p>\|</p> |
| <p>17. Indecent assault on a woman (section fourteen).</p>                                                                         | <p>(i) On indictment ...</p> <p>(ii) Where section nineteen of the Magistrates' Courts Act, 1952, applies, summarily under that section.</p>                                                                                                                                                                                                                                                                      | <p>Two years</p> <p>...</p> <p>As provided by that section (that is to say, six months, or one hundred pounds, or both).</p> | <p>\|</p> <p>\|</p> |
| <p>18. Indecent assault on a man (section fifteen).</p>                                                                            | <p>(i) On indictment ...</p> <p>(ii) Where section nineteen of the Magistrates' Courts Act, 1952, applies, summarily under that section.</p>                                                                                                                                                                                                                                                                      | <p>Ten years...</p> <p>...</p> <p>As provided by that section (that is to say, six months or one hundred pounds, or both).</p> | <p>\|</p> <p>\|</p> |
| <p>19. Assault with intent to commit buggery (section sixteen).</p>                                                                | <p>On indictment ...</p>                                                                                                                                                                                                                                                                                                                                                                                          | <p>Ten years</p> <p>...</p> | <p>\|</p> |
| <p>20. Abduction of girl under eighteen from parent or guardian (section nineteen).</p>                                            | <p>On indictment, not triable at quarter sessions.</p>                                                                                                                                                                                                                                                                                                                                                            | <p>Two years</p> <p>...</p> <p>...</p> | <p>\|</p> |

2ND SCH.  
—cont.

| Offence                                                                                                        | Mode of prosecution                                                                                | Punishment                           | Provisions as to alternative verdicts etc.                                                                          |
|----------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|--------------------------------------|---------------------------------------------------------------------------------------------------------------------|
| 21. Abduction of girl under sixteen from parent or guardian (section twenty).                                  | On indictment, not triable at quarter sessions.                                                    | Two years<br>...                     | —                                                                                                                   |
| 22. Abduction of defective from parent or guardian (section twenty-one).                                       | On indictment, not triable at quarter sessions.                                                    | Two years<br>...                     | —                                                                                                                   |
| 23. (a) Causing prostitution of a woman (section twenty-two).<br>(b) An attempt to commit this offence.        | On indictment, not triable at quarter sessions.<br>On indictment, not triable at quarter sessions. | Two years<br>...<br>Two years<br>... | —<br>—                                                                                                              |
| 24. (a) Procurement of girl under twenty-one (section twenty-three).<br>(b) An attempt to commit this offence. | On indictment, not triable at quarter sessions.<br>On indictment, not triable at quarter sessions. | Two years<br>...<br>Two years<br>... | —<br>—                                                                                                              |
| 25. Detention of woman in brothel (section twenty-four).                                                       | On indictment, not triable at quarter sessions.                                                    | Two years<br>...                     | —                                                                                                                   |
| 26. Permitting girl between thirteen and sixteen to use premises for intercourse (section twenty-six).         | On indictment, not triable at quarter sessions.                                                    | Two years<br>...                     | The jury may find the accused guilty of an offence under section three of the Children and Young Persons Act, 1933. |

|                                                                                              |                                                 |                         |            |            |                                                                                                                         |
|----------------------------------------------------------------------------------------------|-------------------------------------------------|-------------------------|------------|------------|-------------------------------------------------------------------------------------------------------------------------|
| 27. Permitting defective to use premises for intercourse (section twenty-seven).             | On indictment, not triable at quarter sessions. | Two years               | ...        | ...        | —                                                                                                                       |
| 28. Causing or encouraging prostitution, etc., of girl under sixteen (section twenty-eight). | On indictment ...                               | Two years               | ...        | ...        | —                                                                                                                       |
| 29. Causing or encouraging prostitution of defective (section twenty-nine).                  | On indictment, not triable at quarter sessions. | Two years               | ...        | ...        | —                                                                                                                       |
| 30. Living on earnings of prostitution (section thirty).                                     | (i) On indictment<br>(ii) Summarily ...         | Two years<br>Six months | ...<br>... | ...<br>... | —<br>The accused cannot claim to be tried on indictment under section twenty-five of the Magistrates' Courts Act, 1952. |
| 31. Controlling a prostitute (section thirty-one).                                           | (i) On indictment<br>(ii) Summarily ...         | Two years<br>Six months | ...<br>... | ...<br>... | —<br>The accused cannot claim to be tried on indictment under section twenty-five of the Magistrates' Courts Act, 1952. |
| 32. Solicitation by a man (section thirty-two).                                              | (i) On indictment<br>(ii) Summarily ...         | Two years<br>Six months | ...<br>... | ...<br>... | —<br>The accused cannot claim to be tried on indictment under section twenty-five of the Magistrates' Courts Act, 1952. |

2 D

2ND SCH.  
—cont.

2ND SCH.  
—cont.

| Offence                                                        | Mode of prosecution                                                                                                                                                                           | Punishment                                                                                                                                                           | Provisions as to alternative verdicts etc.                                                                                                                                                                                                                                                                                                                                                                                       |
|----------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 33. Keeping a brothel (section thirty-three).                  | Summarily (but subject to the right of the accused, if he has been previously convicted, to claim under section twenty-five of the Magistrates' Courts Act, 1952, to be tried on indictment). | For an offence committed after a previous conviction, six months, or two hundred and fifty pounds, or both; otherwise, three months, or one hundred pounds, or both. | A conviction of an offence punishable under section thirty-four, thirty-five or thirty-six of this Act, or under section thirteen of the Criminal Law Amendment Act, 1885 (the section replaced for England and Wales by sections thirty-three to thirty-six of this Act), shall be taken into account as a previous conviction in the same way as a conviction of an offence punishable under section thirty-three of this Act. |
| 34. Letting premises for use as brothel (section thirty-four). | Summarily (but subject to the right of the accused, if he has been previously convicted, to claim under section twenty-five of the Magistrates' Courts Act, 1952, to be tried on indictment). | For an offence committed after a previous conviction, six months, or two hundred and fifty pounds, or both; otherwise, three months, or one hundred pounds, or both. | A conviction of an offence punishable under section thirty-three, thirty-five or thirty-six of this Act, or under section thirteen of the Criminal Law Amendment Act, 1885 (the section replaced for England and Wales by sections thirty-three to thirty-six of this Act), shall be taken into account as a previous conviction in the same way as a conviction of an offence punishable under section thirty-four of this Act. |

|                                                                                         |                                                                                                                                                                                                      |                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-----------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>35. Tenant permitting premises to be used as brothel (section thirty-five).</p>      | <p>Summarily (but subject to the right of the accused, if he has been previously convicted, to claim under section twenty-five of the Magistrates' Courts Act, 1952, to be tried on indictment).</p> | <p>For an offence committed after a previous conviction, six months, or two hundred and fifty pounds, or both; otherwise, three months, or one hundred pounds, or both.</p> | <p>A conviction of an offence punishable under section thirty-three, thirty-four or thirty-six of this Act, or under section thirteen of the Criminal Law Amendment Act, 1885 (the section replaced for England and Wales by sections thirty-three to thirty-six of this Act), shall be taken into account as a previous conviction in the same way as a conviction of an offence punishable under section thirty-five of this Act.</p> |
| <p>36. Tenant permitting premises to be used for prostitution (section thirty-six).</p> | <p>Summarily (but subject to the right of the accused, if he has been previously convicted, to claim under section twenty-five of the Magistrates' Courts Act, 1952, to be tried on indictment).</p> | <p>For an offence committed after a previous conviction, six months, or two hundred and fifty pounds, or both; otherwise, three months, or one hundred pounds, or both.</p> | <p>A conviction of an offence punishable under section thirty-three, thirty-four or thirty-five of this Act, or under section thirteen of the Criminal Law Amendment Act, 1885 (the section replaced for England and Wales by sections thirty-three to thirty-six of this Act), shall be taken into account as a previous conviction in the same way as a conviction of an offence punishable under section thirty-six of this Act.</p> |

## Section 48.

## THIRD SCHEDULE

CONSEQUENTIAL AMENDMENTS OF ENACTMENTS NOT  
CONSOLIDATED

| <i>Enactment and subject matter</i>                                                                                                   | <i>Amendment</i>                                                                                                                                                                                                                                                                                                                                                                                           |
|---------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>THE EXTRADITION ACT, 1873</b></p> <p>First Schedule (List of extradition crimes).</p>                                           | <p>At the end of the Schedule there shall be added the entry—</p> <p>“Any indictable offence under the Sexual Offences Act, 1956, or any Act amending or substituted for the same, which is not included in the first schedule to the principal Act, and in the case of sections two, five to twelve twenty-two and twenty-three of the Sexual Offences Act, 1956, any attempt to commit the offence”.</p> |
| <p><b>THE CHILDREN AND YOUNG PERSONS ACT, 1933</b></p> <p>Section fifteen (Evidence of accused’s husband or wife).</p>                | <p>After the words “the offences mentioned in the First Schedule to this Act” there shall be inserted the words “otherwise than in the entry relating to the Sexual Offences Act, 1956”.</p>                                                                                                                                                                                                               |
| <p>Subsection (1) of section sixty-one (Meaning of “in need of care and protection”).</p>                                             | <p>In sub-paragraph (iv) of paragraph (b) for the words “has committed an offence under the Punishment of Incest Act, 1908” there shall be substituted the words “has committed or attempted to commit an offence under section ten of the Sexual Offences Act, 1956”.</p>                                                                                                                                 |
| <p>Subsection (2) of section ninety-nine (Presumption as to truth of allegations about a person’s age in a charge or indictment).</p> | <p>For the words “except an offence under the Criminal Law Amendment Act, 1885” there shall be substituted the words “except as provided in that Schedule”.</p>                                                                                                                                                                                                                                            |
| <p>First Schedule (Offences to which special provisions of the Act apply).</p>                                                        | <p>Immediately before the last entry there shall be inserted the following entry:—</p> <p>“Any offence against a child or young person under any of the following sections of the Sexual Offences Act, 1956, that is to say sections two to seven, ten to sixteen, nineteen, twenty, twenty-two to twenty-six and twenty-eight, and any attempt</p>                                                        |

*Enactment and subject matter**Amendment*3RD SCH.  
—cont.

**THE CHILDREN AND YOUNG PERSONS ACT, 1933—continued.**  
**First Schedule—continued.**

to commit against a child or young person an offence under section two, five, six, seven, ten, eleven, twelve, twenty-two or twenty-three of that Act:

Provided that for the purposes of subsection (2) of section ninety-nine of this Act this entry shall apply so far only as it relates to offences under sections ten, eleven, twelve, fourteen, fifteen, sixteen, twenty and twenty-eight of the Sexual Offences Act, 1956, and attempts to commit offences under sections ten, eleven and twelve of that Act”.

**THE FIREARMS ACT, 1937**

**Third Schedule (Offences in connection with which the carrying of firearms is penalised by subsection (2) of section twenty-three of the Act).**

After the entry relating to the Road Traffic Act, 1930, there shall be inserted the following entry:—

“Offences under the following provisions of the Sexual Offences Act, 1956, that is to say, section one, section seventeen, section eighteen and section twenty”.

**THE ADMINISTRATION OF JUSTICE (MISCELLANEOUS PROVISIONS) ACT, 1938.**

**First Schedule (Offences to which the provisions of section two as to the jurisdiction of quarter sessions apply).**

For paragraph 5 there shall be substituted the following paragraph:—

“5. Offences under section thirteen of the Sexual Offences Act, 1956”.

**THE MAGISTRATES' COURTS ACT, 1952.**

**Subsection (1) of section twenty-five (Right to claim trial by jury).**

For the words “under section one of the Vagrancy Act, 1898” there shall be substituted the words “under section thirty, thirty-one or thirty-two of the Sexual Offences Act, 1956”.

3RD SCH.  
—cont.

*Enactment and subject matter*

*Amendment*

THE VISITING FORCES ACT,  
1952

Paragraph 1 of the Schedule (Offences not triable by United Kingdom courts in the cases provided for by section three of the Act).

At the end of sub-paragraph (b) there shall be added as a new paragraph (viii):—

“(viii) sections two to twenty-eight of the Sexual Offences Act, 1956”.

Section 51.

FOURTH SCHEDULE

REPEALS

| Session and Chapter      | Short Title                                | Extent of Repeal                                                                                                                                                                                            |
|--------------------------|--------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 24 & 25 Vict.<br>c. 100. | The Offences against the Person Act, 1861. | Sections forty-eight, fifty-two to fifty-five and sixty-one to sixty-three and, so far as they relate to offences mentioned in those sections, sections sixty-four to sixty-eight and seventy-one.          |
| 48 & 49 Vict.<br>c. 69.  | The Criminal Law Amendment Act, 1885.      | The whole Act.                                                                                                                                                                                              |
| 61 & 62 Vict.<br>c. 36.  | The Criminal Evidence Act, 1898.           | In the Schedule, the entries relating to the Offences against the Person Act, 1861, to the Criminal Law Amendment Act, 1885, to the Punishment of Incest Act, 1908, and to the Mental Deficiency Act, 1913. |
| 61 & 62 Vict.<br>c. 39.  | The Vagrancy Act, 1898 ...                 | The whole Act.                                                                                                                                                                                              |
| 8 Edw. 7. c. 45          | The Punishment of Incest Act, 1908.        | The whole Act.                                                                                                                                                                                              |
| 2 & 3 Geo. 5.<br>c. 20.  | The Criminal Law Amendment Act, 1912.      | The whole Act.                                                                                                                                                                                              |
| 3 & 4 Geo. 5.<br>c. 28.  | The Mental Deficiency Act, 1913.           | Section fifty-six; in sub-section (1) of section sixty, the words “except where otherwise expressly provided”.                                                                                              |



4TH SCH.  
—cont.

| Session and Chapter                   | Short Title                               | Extent of Repeal                                                                                                                                                                                                                                                                                      |
|---------------------------------------|-------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 12 & 13 Geo. 5. c. 56.                | The Criminal Law Amendment Act, 1922.     | The whole Act.                                                                                                                                                                                                                                                                                        |
| 15 & 16 Geo. 5. c. 86.                | The Criminal Justice Act, 1925.           | Paragraph 3 of the First Schedule.                                                                                                                                                                                                                                                                    |
| 18 & 19 Geo. 5. c. 42.                | The Criminal Law Amendment Act, 1928.     | The whole Act.                                                                                                                                                                                                                                                                                        |
| 19 & 20 Geo. 5. c. 36.                | The Age of Marriage Act, 1929.            | The proviso to subsection (1) of section one.                                                                                                                                                                                                                                                         |
| 23 & 24 Geo. 5. c. 12.                | The Children and Young Persons Act, 1933. | Section two; subsection (2) of section three; in the First Schedule, the words "fifty-five", the words "fifty-two or sixty-two", the words "or under the Criminal Law Amendment Act, 1885", the entry relating to the Punishment of Incest Act, 1908, and the word "two" in the next following entry. |
| 1 Edw. 8. and 1 Geo. 6. c. 12.        | The Firearms Act, 1937 ...                | In the Third Schedule, in the entry relating to the Offences against the Person Act, 1861, the words "forty-eight, and sections fifty-three to".                                                                                                                                                      |
| 11 & 12 Geo. 6. c. 19.                | The Attempted Rape Act, 1948.             | The whole Act.                                                                                                                                                                                                                                                                                        |
| 14 & 15 Geo. 6. c. 36.                | The Criminal Law Amendment Act, 1951.     | The whole Act.                                                                                                                                                                                                                                                                                        |
| 15 & 16 Geo. 6. and 1 Eliz. 2. c. 67. | The Visiting Forces Act, 1952.            | In sub-paragraph (b) of paragraph 1 of the Schedule, paragraphs (ii) and (iii) and in paragraph (iv) the words "section fifty-six of the Mental Deficiency Act, 1913, and".                                                                                                                           |

Table of Statutes referred to in this Act

| Short Title                                                                      | Session and Chapter                    |
|----------------------------------------------------------------------------------|----------------------------------------|
| Extradition Act, 1873 ... ..                                                     | 36 & 37 Vict. c. 60.                   |
| Criminal Law Amendment Act, 1885 ... ..                                          | 48 & 49 Vict. c. 69.                   |
| Interpretation Act, 1889 ... ..                                                  | 52 & 53 Vict. c. 63.                   |
| Criminal Evidence Act, 1898 ... ..                                               | 61 & 62 Vict. c. 36.                   |
| Punishment of Incest Act, 1908 ... ..                                            | 8 Edw. 7. c. 45.                       |
| Criminal Law Amendment Act, 1912 ... ..                                          | 2 & 3 Geo. 5. c. 20.                   |
| Mental Deficiency Act, 1913 ... ..                                               | 3 & 4 Geo. 5. c. 28.                   |
| Government of Ireland Act, 1920 ... ..                                           | 10 & 11 Geo. 5. c. 67.                 |
| Criminal Law Amendment Act, 1922 ... ..                                          | 12 & 13 Geo. 5. c. 56.                 |
| Age of Marriage Act, 1929 ... ..                                                 | 19 & 20 Geo. 5. c. 36.                 |
| Road Traffic Act, 1930 ... ..                                                    | 20 & 21 Geo. 5. c. 43.                 |
| Children and Young Persons Act, 1933 ... ..                                      | 23 & 24 Geo. 5. c. 12.                 |
| Firearms Act, 1937 ... ..                                                        | 1 Edw. 8. & 1 Geo. 6.<br>c. 12.        |
| Administration of Justice (Miscellaneous Pro-<br>visions) Act, 1938 ... ..       | 1 & 2 Geo. 6. c. 63.                   |
| Education Act, 1944 ... ..                                                       | 7 & 8 Geo. 6. c. 31.                   |
| Furnished Houses (Rent Control) Act, 1946 ... ..                                 | 9 & 10 Geo. 6. c. 34.                  |
| Consolidation of Enactments (Procedure) Act,<br>1949 ... ..                      | 12, 13 & 14 Geo. 6.<br>c. 33.          |
| Marriage Act, 1949... ..                                                         | 12, 13 & 14 Geo. 6.<br>c. 76.          |
| Adoption Act, 1950 ... ..                                                        | 14 Geo. 6. c. 26.                      |
| Reserve and Auxiliary Forces (Protection of Civil<br>Interests) Act, 1951 ... .. | 14 & 15 Geo. 6. c. 65.                 |
| Magistrates' Courts Act, 1952 ... ..                                             | 15 & 16 Geo. 6. &<br>1 Eliz. 2. c. 55. |
| Visiting Forces Act, 1952 ... ..                                                 | 15 & 16 Geo. 6. &<br>1 Eliz. 2. c. 67. |
| Landlord and Tenant Act, 1954 ... ..                                             | 2 & 3 Eliz. 2. c. 56.                  |

## CHAPTER 70

An Act to amend the law with regard to notice of marriages intended to be celebrated or contracted in Scotland. [2nd August, 1956]

**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) A party to a marriage intended to be celebrated or contracted in Scotland who is residing in England may, if he has a parent who has his usual residence in Scotland, give to the registrar of the parish or district in which that parent has his usual residence notice of the intended marriage in accordance with the provisions of the Marriage Notice (Scotland) Act, 1878, in like manner as if he had resided in the aforesaid parish or district for a period of fifteen clear days immediately

Notice of marriage intended to be celebrated or contracted in Scotland where one party has a parent residing there. 41 & 42 Vict. c. 43.

previous to the giving of such notice, and the provisions of the said Act relating to notices of intended marriages and the granting of certificates of the due publication thereof shall apply accordingly.

(2) Where both parties to a marriage intended to be celebrated or contracted in Scotland are residing in England, whether in the same registration district or in different registration districts, and one of the parties has a parent who has his usual residence in Scotland,—

- (a) the other party may give notice of the intended marriage to the superintendent registrar of the registration district in which he has resided for the period of seven days immediately before the giving of the notice;
- (b) if the parties live in different registration districts, it shall not be necessary for notice of the intended marriage to be given to the superintendent registrar of the other registration district;
- (c) subsection (1) of section twenty-eight of the Marriage Act, 1949 (which relates to the declaration to accompany a notice of marriage), shall apply as if paragraph (b) of that subsection required the declaration to state—
  - (i) that the person giving the notice has for the period of seven days immediately before the giving of the notice had his usual place of residence within the registration district in which the notice is given, and
  - (ii) that the marriage is intended to be celebrated or contracted in Scotland, and
  - (iii) that the other party to the intended marriage has a parent who has his usual residence in Scotland.

(3) A notice of marriage and declaration given and made in accordance with the last preceding subsection, if in other respects they comply with the requirements of the Marriage Act, 1949, shall be treated as a notice of marriage and declaration given and made in accordance with that Act, and the provisions of that Act relating to the issue of certificates for marriage shall apply accordingly as if the marriage were intended to be solemnised in England.

(4) A certificate for marriage issued by virtue of the two last preceding subsections shall for the purpose of the marriage be of the like force and effect in all respects as a certificate granted by a registrar in Scotland under section nine of the Marriage Notice (Scotland) Act, 1878.

(5) In this section any reference to a parent of a party to an intended marriage includes a reference to—

- 14 Geo. 6.  
c. 26.
- (a) any person who has adopted that party by virtue of an adoption order within the meaning of the Adoption Act, 1950, or any enactment repealed by that Act, or any similar order pronounced by a competent court elsewhere than in Great Britain (in this subsection referred to as an “adoptive parent”), and
- (b) any spouse, widow, or widower of a parent or adoptive parent of that party.

Amendment of 2. Section ten of the Marriage Notice (Scotland) Act, 1878  
41 & 42 Vict. (which provides for the manner in which objections to an intending  
c. 43, s. 10. marriage are to be dealt with) shall be amended by the insertion in paragraph (a) after the word “district” of the words “or of the residence therein of a parent of his (as defined for the purposes of the Marriage (Scotland) Act, 1956).”

Amendment of 3. Section eighteen of the Marriage Notice (Scotland) Act,  
41 & 42 Vict. 1878 (which relates to the alteration of regulations for proclama-  
c. 43, s. 18. tion of banns), shall have effect as if there were added at the end thereof the words “or from dispensing with any requirement as to residence in Scotland in the case of any person who by virtue of section one of the Marriage (Scotland) Act, 1956, would be entitled to give in Scotland notice of a marriage intended to be celebrated or contracted there”.

Short title and 4. This Act may be cited as the Marriage (Scotland) Act, 1956,  
citation. and the Marriage (Scotland) Acts, 1834 to 1942, and this Act may be cited together as the Marriage (Scotland) Acts, 1834 to 1956.

---

## CHAPTER 71

### *Overseas Resources Development Act, 1956*

#### ARRANGEMENT OF SECTIONS

##### Section

1. Functions of Colonial Development Corporation.
  2. Special provisions as to Federation of Rhodesia and Nyasaland.
  3. Extension of powers of Corporation to additional enterprises.
  4. Financial provisions.
  5. Short title and citation.
-

An Act to make new provision as to the functions of the Colonial Development Corporation, including provision in respect of past activities of the said Corporation ; and for purposes connected with the matters aforesaid.  
[2nd August, 1956]

**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) Section one of the Overseas Resources Development Act, 1948 (which relates to the establishment and functions of the Colonial Development Corporation) shall have effect, and shall be deemed always to have had effect, as if in subsection (1) of that section (which provides that there shall be a Colonial Development Corporation charged with the duty therein mentioned), for the words from “charged with the duty” to the end of the subsection, there were substituted the words “for the purpose of assisting colonial territories, in accordance with the provisions of this Act, in the development of their economies”, and the following provisions were substituted for subsection (2) of the section (which confers powers on the said Corporation for the purpose of the discharge of their duty under subsection (1) thereof):—

Functions  
of Colonial  
Development  
Corporation.  
11 & 12 Geo.  
6. c. 15.

“(2) For that purpose the said Corporation shall (subject to the following provisions of this section) have power, either alone or in association with other bodies or persons, or as managing agents or otherwise on behalf of other bodies or persons,—

- (a) to investigate and formulate projects for the promotion or expansion in colonial territories of new or existing enterprises to which this section applies, and to carry out any such projects;
- (b) to carry on undertakings in colonial territories which appear to the said Corporation to be needed for or in connection with the promotion or expansion in those territories of new or existing enterprises to which this section applies;
- (c) to carry on any activities incidental to a project falling within paragraph (a) of this subsection, or to an undertaking falling within the last preceding paragraph, which appear to the said Corporation to be requisite, advantageous or convenient for or in connection with that project or undertaking;

- (d) to assist other bodies or persons, either financially or in any other way, to perform any functions which the said Corporation are empowered to perform by virtue of any of the preceding paragraphs;
  - (e) to establish or expand, or promote the establishment or expansion of, other bodies to carry on (either under the control or partial control of the said Corporation or independently) any such functions as are mentioned in the last preceding paragraph.
- (3) This section applies to any enterprise falling within one or more of the following classes, that is to say,—
- (a) agricultural enterprises, including any enterprise concerned with the livestock industry, with horticulture, or with forestry;
  - (b) enterprises concerned with fisheries, including any enterprise relating to the taking of marine mammals;
  - (c) enterprises for the working or getting of minerals;
  - (d) industrial enterprises;
  - (e) enterprises for providing, maintaining or improving the supply or distribution of water, electricity or gas;
  - (f) enterprises for providing, maintaining or improving transport facilities or transport services, or for providing, maintaining or improving telegraph or telephone services, including wireless services other than broadcasting, but not including broadcast relay services;
  - (g) enterprises for the provision or improvement of houses or other dwellings;
  - (h) enterprises for the keeping of hotels;
  - (i) enterprises for processing, storing or marketing any products of one or more enterprises falling within any of the preceding paragraphs;
  - (j) enterprises for the carrying out of building, engineering or other operations in, on, over or under land.
- (4) Notwithstanding anything in subsection (2) of this section, the said Corporation shall not have power, except—
- (a) in the course of carrying on an undertaking as building or engineering contractors, or
  - (b) in connection with an enterprise falling within any of paragraphs (a) to (i) of the last preceding subsection,

to investigate, formulate or carry out any project for providing schools, colleges, hospitals, Government offices, or other buildings or works for the public service, and shall not have power to give financial assistance to any other body or person for the investigation, formulation or carrying out of any such project, except in the course of the carrying on by that body or person of an undertaking as a building or engineering contractor, or in connection with an enterprise falling within any of the said paragraphs.

(5) In relation to any project for promoting or expanding an enterprise falling within paragraph (f) of subsection (3) of this section, where the facilities or services in question are, or will be, for purposes of communication with a colonial territory, but are, or will be, located or carried on wholly or partly outside that territory, and—

(a) those facilities or services are, or will be, wholly for communication between that colonial territory and one or more other colonial territories, or

(b) the project is approved by the Secretary of State for the purposes of this subsection,

the provisions of subsection (2) of this section shall apply as those provisions would apply if the facilities or services were wholly within that colonial territory.

(6) For the purposes of this section any such enterprise as is mentioned in paragraph (b) of subsection (3) of this section, which is carried on wholly or mainly from a base in a colonial territory, shall be deemed to be an enterprise in that territory.

(7) In this section the expression “minerals” includes any substance in or under land of a kind ordinarily worked for removal by underground or by surface working; the expression “transport” means transport by land, by water or by air, and references to transport facilities include roads, bridges, railways, waterways and other transport installations; and references to the giving of financial assistance are references to the giving of such assistance by the taking up of share or loan capital, or by grant, loan or otherwise, and any reference to bodies or persons includes a reference to Government authorities.”

(2) Paragraph (b) of section nineteen of the said Act of 1948 (which relates to the interpretation of references to agriculture in that Act) is hereby repealed; and in paragraph 9 of the Schedule to the said Act of 1948 (which confers on the said Corporation certain ancillary powers), for the words from “in their opinion” to the end of the paragraph, there shall be substituted the words “is incidental or conducive to the exercise of their powers under this Act”.

(3) Without prejudice to subsection (1) of this section, any project, undertaking or activity in which the said Corporation engaged, or agreed to engage, before the thirty-first day of December, nineteen hundred and fifty-five, and which was specified as such a project, undertaking or activity in a report of the said Corporation made and laid before Parliament under subsection (2) of section nine of the said Act of 1948 in respect of any financial year of the Corporation ending not later than that day, shall be deemed to have been within the powers of the said Corporation under section one of the said Act of 1948, as amended by subsection (1) of this section, if apart from this subsection it would not have been within those powers, and, if not completed before the passing of this Act, may be carried out or carried on by the said Corporation accordingly.

Special provisions as to Federation of Rhodesia and Nyasaland.

2.—(1) The provisions of this section shall have effect as to the powers of the Colonial Development Corporation in relation to the Federation of Rhodesia and Nyasaland (in this section referred to as “the Federation”) and the territories comprised therein.

(2) Any agreement made by the said Corporation before the passing of this Act, which would have been within their powers under section one of the Overseas Resources Development Act, 1948, if Southern Rhodesia had been a colonial territory within the meaning of that Act, shall be deemed to have been within the said powers of the Corporation, if apart from this subsection it would not have been within those powers, and may be carried out by the Corporation accordingly.

(3) Without prejudice to the last preceding subsection, where apart from this subsection a project or undertaking would be within the powers of the said Corporation under section one of the said Act of 1948, if Southern Rhodesia were a colonial territory within the meaning of that Act, the Secretary of State may authorise the Corporation to exercise those powers in relation to that project or undertaking as if Southern Rhodesia were such a colonial territory:

Provided that the Secretary of State shall not give such an authorisation in the case of a project or undertaking unless—

- (a) he is satisfied that the project or undertaking is needed for or in connection with the promotion, in a part of the Federation outside Southern Rhodesia, of new enterprises to which the said section one applies, or for or in connection with the expansion in such a part of the Federation of existing enterprises to which that section applies, and
- (b) having regard to the purpose for which the said Corporation is established, he is satisfied that it is expedient that the Corporation should be authorised so to exercise their powers in that case.



(4) Nothing in the last preceding subsection shall be construed as affecting the exercise of any powers of the Corporation, in cases where those powers are to be exercised in relation to a part of the Federation outside Southern Rhodesia, but not in relation to any part of Southern Rhodesia.

(5) Subsection (3) of section thirteen of the Federation of Rhodesia and Nyasaland (Constitution) Order in Council, 1953 (which relates to the application of the Overseas Resources Development Acts, 1948 to 1951, to the Federation) is hereby revoked.

(6) Any reference in this section to section one of the Overseas Resources Development Act, 1948, is a reference to that section as amended by the preceding section.

3.—(1) If it appears to the Secretary of State to be expedient to add to the classes of enterprises specified in subsection (3) of section one of the Overseas Resources Development Act, 1948, as amended by section one of this Act, the Secretary of State, with the consent of the Treasury, may by order direct that the said subsection (3) shall have effect with the addition of such one or more classes of enterprises as may be specified in the order.

Extension of powers of Corporation to additional enterprises.

(2) Any order under this section may be revoked or varied by a subsequent order thereunder.

(3) The power to make orders under this section shall be exercisable by statutory instrument; and any instrument containing such an order shall be subject to annulment in pursuance of a resolution of either House of Parliament.

4.—(1) Any additional sums which, by reason of the preceding provisions of this Act, may be required to be issued out of the Consolidated Fund, or paid into the Exchequer, or raised by the Treasury, under the Overseas Resources Development Acts, 1948 to 1954, shall be charged on and issued out of the Consolidated Fund, or paid into the Exchequer, or may be so raised by the Treasury, as the case may be.

Financial provisions.

(2) There may be remitted, in accordance with the provisions of section five of the Overseas Resources Development Act, 1954, the payment of any additional interest which, by reason of the preceding provisions of this Act, the Secretary of State, with the consent of the Treasury, may be empowered to remit under that section.

5. This Act may be cited as the Overseas Resources Development Act, 1956, and this Act and the Overseas Resources Development Acts, 1948 to 1954, may be cited together as the Overseas Resources Development Acts, 1948 to 1956.

Short title and citation.

## CHAPTER 72

An Act to extend the time within which livestock rearing land improvement schemes may be submitted under the Hill Farming Act, 1946, increase the maximum amount that may be paid in the aggregate by way of grants in respect of the cost of work done in accordance with such schemes and extend the time within which the said maximum may be further increased by order of the Minister of Agriculture, Fisheries and Food and the Secretary of State; and to prolong the powers under that Act of those Ministers to make subsidy payments in respect of hill sheep and hill cattle.

[5th November, 1956]

**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:—

Extension of period for submission of livestock rearing land improvement schemes and increase of amount available for improvement grants.

9 & 10 Geo. 6.  
c. 73.

Extension of periods for payment of subsidies in respect of hill sheep and cattle.

1.—(1) In subsection (1) of section one of the Hill Farming Act, 1946, seventeen years from the commencement of that Act shall be substituted for ten years from the commencement thereof as the period within which livestock rearing land improvement schemes may be submitted under that subsection for the approval of the appropriate Minister.

(2) In subsection (4) of section two of the said Act,—

- (a) twenty-five million pounds shall be substituted for twenty million pounds as the maximum amount that may be paid in the aggregate by way of grants in respect of the cost of work done in accordance with schemes approved under the said subsection (1);
- (b) seventeen years from the commencement of that Act shall be substituted for ten years from the commencement thereof as the period within which an order providing for increasing, by not more than two million pounds, the said maximum amount may be made by the Ministers with the consent of the Treasury.

2. In section thirteen of the Hill Farming Act, 1946 (whereof paragraph (a) of subsection (1) empowers the appropriate Minister to make, in accordance with hill sheep schemes, subsidy payments in respect of sheep comprised in flocks on any of the relevant days as defined in subsection (2) thereof, that is to say, in the case of a scheme having effect as respects England and Wales or Scotland, such day of December in the year nineteen hundred and forty-six and in the nine next succeeding years as may be specified in the scheme in relation to each of those years and, in relation to a scheme having effect as respects Northern Ireland, such day of January in the year nineteen hundred and

forty-seven and in the nine next succeeding years as may be so specified, and whereof paragraph (b) of subsection (1) empowers the appropriate Minister to make, in accordance with hill cattle schemes, subsidy payments in respect of cattle in respect of the year nineteen hundred and forty-seven and each of the nine next succeeding years) there shall be made the following amendments, that is to say:—

- (a) in the said paragraph (b), for the words “ the nine next succeeding years ”, there shall be substituted the words “ the sixteen next succeeding years ”;
- (b) in subsection (2), for the words “ the nine next succeeding years ”, where they first occur, there shall be substituted the words “ the sixteen next succeeding years ”, and after the words “ as may be so specified ” there shall be added the words “ and such day of December in the last of those years and in the six next succeeding years as may be so specified ”.

3.—(1) This Act may be cited as the Hill Farming Act, 1956, and the Hill Farming and Livestock Rearing Acts, 1946 to 1954, and this Act may be cited together as the Hill Farming and Livestock Rearing Acts, 1946 to 1956. Short title, citation and interpretation.

(2) References in this Act to provisions of the Hill Farming Act, 1946, shall be construed as referring to those provisions as amended by the Livestock Rearing Act, 1951.

14 & 15 Geo. 6.  
c. 18.

### CHAPTER 73

An Act to provide for the reconstitution of the Commissioners of Crown Lands under the name of the Crown Estate Commissioners; to transfer to the Lord Privy Seal and the Secretary of State certain powers of the Treasury under section thirty-two of the Crown Lands Act, 1851, in its application to the said Commissioners, and to make new provision as to the annual report of the said Commissioners; and for purposes connected with the matters aforesaid.

[5th November, 1956]

**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) As from the appointed day the body corporate constituted under the Crown Lands Acts, 1829 to 1943, as the Commissioners of Crown Lands shall be reconstituted in accordance with the following provisions of this Act and shall be known as the Crown Estate Commissioners (in this Act referred to as Reconstitution of Commissioners of Crown Lands as Crown Estate Commissioners.

“ the Commissioners ”); and the possessions and land revenues of the Crown under the management of that body, and all other property, rights and interests of the Crown under the management of that body, shall as from the appointed day be known, and are hereafter referred to in this Act, as the Crown Estate.

(2) The Commissioners shall, as from the appointed day, consist of persons appointed under this Act by Her Majesty to hold office as Crown Estate Commissioners; and accordingly—

6 Edw. 7. c. 28.  
6 & 7 Geo. 6.  
c. 7.

(a) section one of the Crown Lands Act, 1906, and the Crown Lands Act, 1943 (under which the Minister of Agriculture, Fisheries and Food and the Secretary of State for Scotland respectively are, by virtue of their offices, Commissioners of Crown Lands) shall cease to have effect as from the appointed day; and

(b) the appointment of any person holding office immediately before the appointed day as a Commissioner of Crown Lands, otherwise than by virtue of the enactments mentioned in the preceding paragraph, shall cease to have effect as from that day, but without prejudice to his being eligible for appointment as a Crown Estate Commissioner under this Act.

(3) The Commissioners shall consist of such number of persons, not exceeding eight, as Her Majesty may from time to time determine; and, of the persons for the time being appointed to hold office as Crown Estate Commissioners, one shall be appointed as First Crown Estate Commissioner and shall be the chairman of the Commissioners, and another may, if Her Majesty thinks fit, be appointed as Second Crown Estate Commissioner and, if so appointed, shall be the deputy chairman of the Commissioners.

(4) The appointment of any person to hold office as a Crown Estate Commissioner, whether as First or Second Crown Estate Commissioner or otherwise, shall be by warrant under the sign manual.

(5) Every person appointed to hold office as a Crown Estate Commissioner, whether as First or Second Crown Estate Commissioner or otherwise, shall hold and vacate his office in accordance with the terms of the warrant under which he is appointed; and any person who vacates such an office shall be eligible for re-appointment.

(6) The quorum of the Commissioners shall be such number as the Commissioners may from time to time determine; and, subject to the provisions of the Crown Lands Acts, 1829 to 1936, and of this Act, the Commissioners shall have power to regulate their own procedure.

(7) In accordance with subsection (1) of this section, references in any enactment or other document to the Commissioners of Crown Lands, or to one of those Commissioners, shall, in

relation to any time on or after the appointed day, be construed as references to the Commissioners or to a Crown Estate Commissioner, as the case may be.

(8) There shall be paid out of moneys provided by Parliament any increase attributable to the provisions of this section in the sums payable out of moneys so provided under section four of the Crown Lands Act, 1851, (which relates to the salaries of the Commissioners of Crown Lands and of the officers, clerks and messengers in their office). 14 & 15 Vict. c. 42.

2.—(1) Section thirty-two of the Crown Lands Act, 1851 (under which the Commissioners of Crown Lands are required to comply with orders, instructions and directions given to them by the Treasury), shall have effect as from the appointed day, in relation to the making or giving of orders, instructions and directions to the Commissioners with respect to the execution and discharge of their duties, as if the reference in that section to the Treasury were a reference to the Minister. Further provisions as to Crown Estate Commissioners.

(2) The Minister shall consult the Commissioners before giving to them any order, instruction or direction under the said section thirty-two.

(3) As soon as may be after the thirty-first day of March in each year, the Commissioners shall make to Her Majesty a report on the performance of their functions in the period of twelve months ending on that day, and shall lay a copy of the report before each House of Parliament.

(4) A report of the Commissioners for any period of twelve months shall set out any orders, instructions or directions given to the Commissioners by the Minister during that period, except any order, instruction or direction in the case of which the Minister has notified to the Commissioners his opinion that it should be omitted in the interests of national security.

3.—(1) This Act may be cited as the Crown Estate Act, 1956. Short title, repeals, interpretation and extent.

(2) As from the appointed day—

(a) the enactments specified in Part I of the Schedule to this Act, and

(b) the enactments specified in Part II of that Schedule in so far as they relate to the Commissioners of Crown Lands,

are hereby repealed to the extent specified in the third column of that Schedule.

(3) In this Act “the appointed day” means such day as Her Majesty may by Order in Council appoint, and “the Minister”—

(a) in relation to any matter relating exclusively to Scotland, means the Secretary of State;

(b) in relation to any matter relating to other parts of the United Kingdom, but not to Scotland, means the Lord Privy Seal; and

(c) in relation to any matter not falling within either of the preceding paragraphs, means the Lord Privy Seal and the Secretary of State acting jointly.

(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 by or under any other enactment, including this Act.

(5) It is hereby declared that this Act extends to Northern Ireland.

## Section 3.

## SCHEDULE

## REPEALS

## PART I

*Enactments repealed*

| Session and Chapter         | Short Title                       | Extent of Repeal                                                                                      |
|-----------------------------|-----------------------------------|-------------------------------------------------------------------------------------------------------|
| 6 Edw. 7. c. 28.            | The Crown Lands Act, 1906.        | Section one.                                                                                          |
| 1 Edw. 8 & 1 Geo. 6. c. 35. | The Statutory Salaries Act, 1937. | In subsection (1) of section two, the words "(other than the Minister of Agriculture and Fisheries)". |
| 6 & 7 Geo. 6. c. 7.         | The Crown Lands Act, 1943.        | The whole Act.                                                                                        |

## PART II

*Enactments repealed in relation to Commissioners of Crown Lands*

| Session and Chapter   | Short Title                | Extent of Repeal                                                                   |
|-----------------------|----------------------------|------------------------------------------------------------------------------------|
| 10 Geo. 4. c. 50.     | The Crown Lands Act, 1829. | Section one hundred and twenty-five.                                               |
| 11 & 12 Vict. c. 102. | The Crown Lands Act, 1848. | Section eight.                                                                     |
| 14 & 15 Vict. c. 42.  | The Crown Lands Act, 1851. | In section one, the words from "and it shall be lawful" to the end of the section. |

**CHAPTER 74***Copyright Act, 1956***ARRANGEMENT OF SECTIONS****PART I****COPYRIGHT IN ORIGINAL WORKS****Sections**

1. Nature of copyright under this Act.
2. Copyright in literary, dramatic and musical works.
3. Copyright in artistic works.
4. Ownership of copyright in literary, dramatic, musical and artistic works.
5. Infringements by importation, sale and other dealings.
6. General exceptions from protection of literary, dramatic and musical works.
7. Special exceptions as respects libraries and archives.
8. Special exception in respect of records of musical works.
9. General exceptions from protection of artistic works.
10. Special exception in respect of industrial designs.
11. Provisions as to anonymous and pseudonymous works, and works of joint authorship.

**PART II****COPYRIGHT IN SOUND RECORDINGS, CINEMATOGRAPH FILMS, BROADCASTS, ETC.**

12. Copyright in sound recordings.
13. Copyright in cinematograph films.
14. Copyright in television broadcasts and sound broadcasts.
15. Copyright in published editions of works.
16. Supplementary provisions for purposes of Part II.

**PART III****REMEDIES FOR INFRINGEMENTS OF COPYRIGHT**

17. Action by owner of copyright for infringement.
18. Rights of owner of copyright in respect of infringing copies, etc.
19. Proceedings in case of copyright subject to exclusive licence.
20. Proof of facts in copyright actions.
21. Penalties and summary proceedings in respect of dealings which infringe copyright.
22. Provision for restricting importation of printed copies.

**PART IV****PERFORMING RIGHT TRIBUNAL**

23. Establishment of tribunal.
24. General provisions as to jurisdiction of tribunal.
25. Reference of licence schemes to tribunal.
26. Further reference of scheme to tribunal.
27. Applications to tribunal.
28. Exercise of jurisdiction of tribunal in relation to diffusion of foreign broadcasts.
29. Effect of orders of tribunal, and supplementary provisions relating thereto.
30. Reference of questions of law to the court.

## PART V

## EXTENSION OR RESTRICTION OF OPERATION OF ACT

## Section

31. Extension of Act to Isle of Man, Channel Islands, colonies and dependencies.
32. Application of Act to countries to which it does not extend.
33. Provisions as to international organisations.
34. Extended application of provisions relating to broadcasts.
35. Denial of copyright to citizens of countries not giving adequate protection to British works.

## PART VI

## MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

36. Assignments and licences in respect of copyright.
37. Prospective ownership of copyright.
38. Copyright to pass under will with unpublished work.
39. Provisions as to Crown and Government departments.
40. Broadcasts of sound recordings and cinematograph films, and diffusion of broadcast programmes.
41. Use of copyright material for education.
42. Special provisions as to public records.
43. False attribution of authorship.
44. Amendments of Registered Designs Act, 1949.
45. Amendment of Dramatic and Musical Performers' Protection Act, 1925.
46. Savings.
47. General provisions as to Orders in Council, regulations, rules and orders, and as to Board of Trade.
48. Interpretation.
49. Supplementary provisions as to interpretation.
50. Transitional provisions, and repeals.
51. Short title, commencement and extent.

## SCHEDULES:

First Schedule—False Registration of Industrial Designs.

Second Schedule—Duration of Copyright in Anonymous and Pseudonymous Works.

Third Schedule—Works of Joint Authorship.

Fourth Schedule—Provisions as to Performing Right Tribunal.

Fifth Schedule—Appointment of Television Copyright Organisations by British Broadcasting Corporation and Independent Television Authority.

Sixth Schedule—Amendment of Dramatic and Musical Performers' Protection Act, 1925.

Seventh Schedule—Transitional Provisions.

Eighth Schedule—Provisions of Copyright Act, 1911, and Rules, referred to in Seventh Schedule.

Ninth Schedule—Enactments Repealed.



**An Act to make new provision in respect of copyright and related matters, in substitution for the provisions of the Copyright Act, 1911, and other enactments relating thereto; to amend the Registered Designs Act, 1949, with respect to designs related to artistic works in which copyright subsists, and to amend the Dramatic and Musical Performers' Protection Act, 1925; and for purposes connected with the matters aforesaid.**  
 [5th November, 1956]

**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

### COPYRIGHT IN ORIGINAL WORKS

1.—(1) In this Act “copyright” in relation to a work (except where the context otherwise requires) means the exclusive right, by virtue and subject to the provisions of this Act, to do, and to authorise other persons to do, certain acts in relation to that work in the United Kingdom or in any other country to which the relevant provision of this Act extends. Nature of copyright under this Act.

The said acts, in relation to a work of any description, are those acts which, in the relevant provision of this Act, are designated as the acts restricted by the copyright in a work of that description.

(2) In accordance with the preceding subsection, but subject to the following provisions of this Act, the copyright in a work is infringed by any person who, not being the owner of the copyright, and without the licence of the owner thereof, does, or authorises another person to do, any of the said acts in relation to the work in the United Kingdom or in any other country to which the relevant provision of this Act extends.

(3) In the preceding subsections references to the relevant provision of this Act, in relation to a work of any description, are references to the provision of this Act whereby it is provided that (subject to compliance with the conditions specified therein) copyright shall subsist in works of that description.

(4) The preceding provisions of this section shall apply, in relation to any subject-matter (other than a work) of a description to which any provision of Part II of this Act relates, as they apply in relation to a work.

PART I  
—cont.

(5) For the purposes of any provision of this Act which specifies the conditions under which copyright may subsist in any description of work or other subject-matter, “qualified person”—

- (a) in the case of an individual, means a person who is a British subject or British protected person or a citizen of the Republic of Ireland or (not being a British subject or British protected person or a citizen of the Republic of Ireland) is domiciled or resident in the United Kingdom or in another country to which that provision extends, and
- (b) in the case of a body corporate, means a body incorporated under the laws of any part of the United Kingdom or of another country to which that provision extends.

In this subsection “British protected person” has the same meaning as in the British Nationality Act, 1948.

Copyright  
in literary,  
dramatic and  
musical works.

2.—(1) Copyright shall subsist, subject to the provisions of this Act, in every original literary, dramatic or musical work which is unpublished, and of which the author was a qualified person at the time when the work was made, or, if the making of the work extended over a period, was a qualified person for a substantial part of that period.

(2) Where an original literary, dramatic or musical work has been published, then, subject to the provisions of this Act, copyright shall subsist in the work (or, if copyright in the work subsisted immediately before its first publication, shall continue to subsist) if, but only if,—

- (a) the first publication of the work took place in the United Kingdom, or in another country to which this section extends, or
- (b) the author of the work was a qualified person at the time when the work was first published, or
- (c) the author had died before that time, but was a qualified person immediately before his death.

(3) Subject to the last preceding subsection, copyright subsisting in a work by virtue of this section shall continue to subsist until the end of the period of fifty years from the end of the calendar year in which the author died, and shall then expire:

Provided that if before the death of the author none of the following acts had been done, that is to say,—

- (a) the publication of the work,
- (b) the performance of the work in public,

(c) the offer for sale to the public of records of the work,  
and

(d) the broadcasting of the work,

the copyright shall continue to subsist until the end of the period of fifty years from the end of the calendar year which includes the earliest occasion on which one of those acts is done.

(4) In the last preceding subsection references to the doing of any act in relation to a work include references to the doing of that act in relation to an adaptation of the work.

(5) The acts restricted by the copyright in a literary, dramatic or musical work are—

(a) reproducing the work in any material form ;

(b) publishing the work ;

(c) performing the work in public ;

(d) broadcasting the work ;

(e) causing the work to be transmitted to subscribers to a diffusion service ;

(f) making any adaptation of the work ;

(g) doing, in relation to an adaptation of the work, any of the acts specified in relation to the work in paragraphs (a) to (e) of this subsection.

(6) In this Act “ adaptation ”—

(a) in relation to a literary or dramatic work, means any of the following, that is to say,—

(i) in the case of a non-dramatic work, a version of the work (whether in its original language or a different language) in which it is converted into a dramatic work ;

(ii) in the case of a dramatic work, a version of the work (whether in its original language or a different language) in which it is converted into a non-dramatic work ;

(iii) a translation of the work ;

(iv) a version of the work in which the story or action is conveyed wholly or mainly by means of pictures in a form suitable for reproduction in a book, or in a newspaper, magazine or similar periodical ; and

(b) in relation to a musical work, means an arrangement or transcription of the work,

so however that the mention of any matter in this definition shall not affect the generality of paragraph (a) of the last preceding subsection.

**PART I**  
**—cont.**  
**Copyright in**  
**artistic works.**

3.—(1) In this Act “artistic work” means a work of any of the following descriptions, that is to say,—

- (a) the following, irrespective of artistic quality, namely paintings, sculptures, drawings, engravings and photographs ;
- (b) works of architecture, being either buildings or models for buildings ;
- (c) works of artistic craftsmanship, not falling within either of the preceding paragraphs.

(2) Copyright shall subsist, subject to the provisions of this Act, in every original artistic work which is unpublished, and of which the author was a qualified person at the time when the work was made, or, if the making of the work extended over a period, was a qualified person for a substantial part of that period.

(3) Where an original artistic work has been published, then, subject to the provisions of this Act, copyright shall subsist in the work (or, if copyright in the work subsisted immediately before its first publication, shall continue to subsist) if, but only if,—

- (a) the first publication of the work took place in the United Kingdom, or in another country to which this section extends, or
- (b) the author of the work was a qualified person at the time when the work was first published, or
- (c) the author had died before that time, but was a qualified person immediately before his death.

(4) Subject to the last preceding subsection, copyright subsisting in a work by virtue of this section shall continue to subsist until the end of the period of fifty years from the end of the calendar year in which the author died, and shall then expire:

Provided that—

- (a) in the case of an engraving, if before the death of the author the engraving had not been published, the copyright shall continue to subsist until the end of the period of fifty years from the end of the calendar year in which it is first published ;
- (b) the copyright in a photograph shall continue to subsist until the end of the period of fifty years from the end of the calendar year in which the photograph is first published, and shall then expire.

(5) The acts restricted by the copyright in an artistic work are—

PART I  
—cont.

- (a) reproducing the work in any material form ;
- (b) publishing the work ;
- (c) including the work in a television broadcast ;
- (d) causing a television programme which includes the work to be transmitted to subscribers to a diffusion service.

4.—(1) Subject to the provisions of this section, the author of a work shall be entitled to any copyright subsisting in the work by virtue of this Part of this Act. Ownership of copyright in literary, dramatic, musical and artistic works

(2) Where a literary, dramatic or artistic work is made by the author in the course of his employment by the proprietor of a newspaper, magazine or similar periodical under a contract of service or apprenticeship, and is so made for the purpose of publication in a newspaper, magazine or similar periodical, the said proprietor shall be entitled to the copyright in the work in so far as the copyright relates to publication of the work in any newspaper, magazine or similar periodical, or to reproduction of the work for the purpose of its being so published ; but in all other respects the author shall be entitled to any copyright subsisting in the work by virtue of this Part of this Act.

(3) Subject to the last preceding subsection, where a person commissions the taking of a photograph, or the painting or drawing of a portrait, or the making of an engraving, and pays or agrees to pay for it in money or money's worth, and the work is made in pursuance of that commission, the person who so commissioned the work shall be entitled to any copyright subsisting therein by virtue of this Part of this Act.

(4) Where, in a case not falling within either of the two last preceding subsections, a work is made in the course of the author's employment by another person under a contract of service or apprenticeship, that other person shall be entitled to any copyright subsisting in the work by virtue of this Part of this Act.

(5) Each of the three last preceding subsections shall have effect subject, in any particular case, to any agreement excluding the operation thereof in that case.

(6) The preceding provisions of this section shall all have effect subject to the provisions of Part VI of this Act.

5.—(1) Without prejudice to the general provisions of section one of this Act as to infringements of copyright, the provisions of this section shall have effect in relation to copyright subsisting by virtue of this Part of this Act. Infringements by importation, sale and other dealings.

**PART I**  
—*cont.*

(2) The copyright in a literary, dramatic, musical or artistic work is infringed by any person who, without the licence of the owner of the copyright, imports an article (otherwise than for his private and domestic use) into the United Kingdom, or into any other country to which this section extends, if to his knowledge the making of that article constituted an infringement of that copyright, or would have constituted such an infringement if the article had been made in the place into which it is so imported.

(3) The copyright in a literary, dramatic, musical or artistic work is infringed by any person who, in the United Kingdom, or in any other country to which this section extends, and without the licence of the owner of the copyright,—

(a) sells, lets for hire, or by way of trade offers or exposes for sale or hire any article, or

(b) by way of trade exhibits any article in public,

if to his knowledge the making of the article constituted an infringement of that copyright, or (in the case of an imported article) would have constituted an infringement of that copyright if the article had been made in the place into which it was imported.

(4) The last preceding subsection shall apply in relation to the distribution of any articles either—

(a) for purposes of trade, or

(b) for other purposes, but to such an extent as to affect prejudicially the owner of the copyright in question,

as it applies in relation to the sale of an article.

(5) The copyright in a literary, dramatic or musical work is also infringed by any person who permits a place of public entertainment to be used for a performance in public of the work, where the performance constitutes an infringement of the copyright in the work :

Provided that this subsection shall not apply in a case where the person permitting the place to be so used—

(a) was not aware, and had no reasonable grounds for suspecting, that the performance would be an infringement of the copyright, or

(b) gave the permission gratuitously, or for a consideration which was only nominal or (if more than nominal) did not exceed a reasonable estimate of the expenses to be incurred by him in consequence of the use of the place for the performance.

(6) In this section "place of public entertainment" includes any premises which are occupied mainly for other purposes, but are from time to time made available for hire to such persons as may desire to hire them for purposes of public entertainment.

PART I  
—cont.

6.—(1) No fair dealing with a literary, dramatic or musical work for purposes of research or private study shall constitute an infringement of the copyright in the work.

General  
exceptions  
from  
protection  
of literary,  
dramatic and  
musical works.

(2) No fair dealing with a literary, dramatic or musical work shall constitute an infringement of the copyright in the work if it is for purposes of criticism or review, whether of that work or of another work, and is accompanied by a sufficient acknowledgment.

(3) No fair dealing with a literary, dramatic or musical work shall constitute an infringement of the copyright in the work if it is for the purpose of reporting current events—

(a) in a newspaper, magazine or similar periodical, or

(b) by means of broadcasting, or in a cinematograph film,

and, in a case falling within paragraph (a) of this subsection, is accompanied by a sufficient acknowledgment.

(4) The copyright in a literary, dramatic or musical work is not infringed by reproducing it for the purposes of a judicial proceeding, or for the purposes of a report of a judicial proceeding.

(5) The reading or recitation in public by one person of any reasonable extract from a published literary or dramatic work, if accompanied by a sufficient acknowledgment, shall not constitute an infringement of the copyright in the work:

Provided that this subsection shall not apply to anything done for the purposes of broadcasting.

(6) The copyright in a published literary or dramatic work is not infringed by the inclusion of a short passage therefrom in a collection intended for the use of schools, if—

(a) the collection is described in its title, and in any advertisements thereof issued by or on behalf of the publisher, as being so intended, and

(b) the work in question was not published for the use of schools, and

(c) the collection consists mainly of material in which no copyright subsists, and

(d) the inclusion of the passage is accompanied by a sufficient acknowledgment:

Provided that this subsection shall not apply in relation to the copyright in a work if, in addition to the passage in question,

**PART I**  
—*cont.*

two or more other excerpts from works by the author thereof (being works in which copyright subsists at the time when the collection is published) are contained in that collection, or are contained in that collection taken together with every similar collection (if any) published by the same publisher within the period of five years immediately preceding the publication of that collection.

(7) Where by virtue of an assignment or licence a person is authorised to broadcast a literary, dramatic or musical work from a place in the United Kingdom, or in another country to which section two of this Act extends, but (apart from this subsection) would not be entitled to make reproductions of it in the form of a record or of a cinematograph film, the copyright in the work is not infringed by his making such a reproduction of the work solely for the purpose of broadcasting the work:

Provided that this subsection shall not apply if—

- (a) the reproduction is used for making any further reproduction therefrom, or for any other purpose except that of broadcasting in accordance with the assignment or licence, or
- (b) the reproduction is not destroyed before the end of the period of twenty-eight days beginning with the day on which it is first used for broadcasting the work in pursuance of the assignment or licence, or such extended period (if any) as may be agreed between the person who made the reproduction and the person who (in relation to the making of reproductions of the description in question) is the owner of the copyright.

(8) The preceding provisions of this section shall apply to the doing of any act in relation to an adaptation of a work as they apply in relation to the doing of that act in relation to the work itself.

(9) The provisions of this section shall apply where a work, or adaptation of a work, is caused to be transmitted to subscribers to a diffusion service as they apply where a work or adaptation is broadcast.

(10) In this Act “sufficient acknowledgment” means an acknowledgment identifying the work in question by its title or other description and, unless the work is anonymous or the author has previously agreed or required that no acknowledgment of his name should be made, also identifying the author.

7.—(1) The copyright in an article contained in a periodical publication is not infringed by the making or supplying of a copy of the article, if the copy is made or supplied by or on behalf

Special exceptions as respects libraries and archives.



of the librarian of a library of a class prescribed by regulations made under this subsection by the Board of Trade, and the conditions prescribed by those regulations are complied with.

PART I  
—cont.

(2) In making any regulations for the purposes of the preceding subsection the Board of Trade shall make such provision as the Board may consider appropriate for securing—

- (a) that the libraries to which the regulations apply are not established or conducted for profit ;
- (b) that the copies in question are supplied only to persons satisfying the librarian, or a person acting on his behalf, that they require them for purposes of research or private study and will not use them for any other purpose ;
- (c) that no person is furnished under the regulations with two or more copies of the same article ;
- (d) that no copy extends to more than one article contained in any one publication ; and
- (e) that persons to whom copies are supplied under the regulations are required to pay for them a sum not less than the cost (including a contribution to the general expenses of the library) attributable to their production,

and may impose such other requirements (if any) as may appear to the Board to be expedient.

(3) The copyright in a published literary, dramatic or musical work, other than an article contained in a periodical publication, is not infringed by the making or supplying of a copy of part of the work, if the copy is made or supplied by or on behalf of the librarian of a library of a class prescribed by regulations made under this subsection by the Board of Trade, and the conditions prescribed by those regulations are complied with :

Provided that this subsection shall not apply if, at the time when the copy is made, the librarian knows the name and address of a person entitled to authorise the making of the copy, or could by reasonable inquiry ascertain the name and address of such a person.

(4) The provisions of subsection (2) of this section shall apply for the purposes of the last preceding subsection :

Provided that paragraph (d) of the said subsection (2) shall not apply for those purposes, but any regulations made under the last preceding subsection shall include such provision as the Board of Trade may consider appropriate for securing that no copy to which the regulations apply extends to more than a reasonable proportion of the work in question.

**PART I**  
—*cont.*

(5) The copyright in a published literary, dramatic or musical work is not infringed by the making or supplying of a copy of the work, or of part of it, by or on behalf of the librarian of a library of a class prescribed by regulations made under this subsection by the Board of Trade, if—

- (a) the copy is supplied to the librarian of any library of a class so prescribed ;
- (b) at the time when the copy is made, the librarian by or on whose behalf it is supplied does not know the name and address of any person entitled to authorise the making of the copy, and could not by reasonable inquiry ascertain the name and address of such a person ; and
- (c) any other conditions prescribed by the regulations are complied with :

Provided that the condition specified in paragraph (b) of this subsection shall not apply in the case of an article contained in a periodical publication.

(6) Where, at a time more than fifty years from the end of the calendar year in which the author of a literary, dramatic or musical work died, and more than one hundred years after the time, or the end of the period, at or during which the work was made,—

- (a) copyright subsists in the work, but
- (b) the work has not been published, and
- (c) the manuscript or a copy of the work is kept in a library, museum or other institution where (subject to any provisions regulating the institution in question) it is open to public inspection,

the copyright in the work is not infringed by a person who reproduces the work for purposes of research or private study, or with a view to publication.

(7) Where a published literary, dramatic or musical work (in this subsection referred to as “ the new work ”) incorporates the whole or part of a work (in this subsection referred to as “ the old work ”) in the case of which the circumstances specified in the last preceding subsection existed immediately before the new work was published, and—

- (a) before the new work was published, such notice of the intended publication as may be prescribed by regulations made under this subsection by the Board of Trade had been given, and

(b) immediately before the new work was published, the identity of the owner of the copyright in the old work was not known to the publisher of the new work,

then for the purposes of this Act—

- (i) that publication of the new work, and
- (ii) any subsequent publication of the new work, either in the same or in an altered form,

shall, in so far as it constitutes a publication of the old work, not be treated as an infringement of the copyright in the old work or as an unauthorised publication of the old work :

Provided that this subsection shall not apply to a subsequent publication incorporating a part of the old work which was not included in the new work as originally published, unless (apart from this subsection) the circumstances specified in the last preceding subsection, and in paragraphs (a) and (b) of this subsection, existed immediately before that subsequent publication.

(8) In so far as the publication of a work, or of part of a work, is, by virtue of the last preceding subsection, not to be treated as an infringement of the copyright in the work, a person who subsequently broadcasts the work, or that part thereof, as the case may be, or causes it to be transmitted to subscribers to a diffusion service, or performs it in public, or makes a record of it, does not thereby infringe the copyright in the work.

(9) In relation to an article or other work which is accompanied by one or more artistic works provided for explaining or illustrating it (in this subsection referred to as “ illustrations ”), the preceding provisions of this section shall apply as if—

- (a) wherever they provide that the copyright in the article or work is not infringed, the reference to that copyright included a reference to any copyright in any of the illustrations ;
- (b) in subsections (1) and (2), references to a copy of the article included references to a copy of the article together with a copy of the illustrations or any of them ;
- (c) in subsections (3) to (5), references to a copy of the work included references to a copy of the work together with a copy of the illustrations or any of them, and references to a copy of part of the work included references to a copy of that part of the work together with a copy of any of the illustrations which were provided for explaining or illustrating that part ; and
- (d) in subsections (6) and (7), references to the doing of any act in relation to the work included references to the doing of that act in relation to the work together with any of the illustrations.

PART I  
—cont.

(10) In this section “article” includes an item of any description.

Special  
exception in  
respect of  
records of  
musical works.

8.—(1) The copyright in a musical work is not infringed by a person (in this section referred to as “the manufacturer”) who makes a record of the work or of an adaptation thereof in the United Kingdom, if—

- (a) records of the work, or, as the case may be, of a similar adaptation of the work, have previously been made in, or imported into, the United Kingdom for the purposes of retail sale, and were so made or imported by, or with the licence of, the owner of the copyright in the work ;
- (b) before making the record, the manufacturer gave to the owner of the copyright the prescribed notice of his intention to make it ;
- (c) the manufacturer intends to sell the record by retail, or to supply it for the purpose of its being sold by retail by another person, or intends to use it for making other records which are to be so sold or supplied ; and
- (d) in the case of a record which is sold by retail, the manufacturer pays to the owner of the copyright, in the prescribed manner and at the prescribed time, a royalty of an amount ascertained in accordance with the following provisions of this section.

(2) Subject to the following provisions of this section, the royalty mentioned in paragraph (d) of the preceding subsection shall be of an amount equal to six and one-quarter per cent. of the ordinary retail selling price of the record, calculated in the prescribed manner :

Provided that, if the amount so calculated includes a fraction of a farthing, that fraction shall be reckoned as one farthing, and if, apart from this proviso, the amount of the royalty would be less than three-farthings, the amount thereof shall be three-farthings.

(3) If, at any time after the end of the period of one year beginning with the coming into operation of this section, it appears to the Board of Trade that the ordinary rate of royalty, or the minimum amount thereof, in accordance with the provisions of the last preceding subsection, or in accordance with those provisions as last varied by an order under this subsection, has ceased to be equitable, either generally or in relation to any class of records, the Board may hold a public inquiry in the prescribed manner ; and if, in consequence of such an inquiry, the Board are satisfied of the need to do so, the Board may make

an order prescribing such different rate or amount, either generally or in relation to any one or more classes of records, as the Board may consider just:

PART I  
—cont.

Provided that—

- (a) 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 ; and
  - (b) where an order comprising a class of records (that is to say, either a general order or an order relating specifically to that class, or to that class together with one or more other classes of records) has been made under this subsection, no further order comprising that class of records shall be made thereunder less than five years after the date on which the previous order comprising that class (or, if more than one, the last previous order comprising that class) was made thereunder.
- (4) In the case of a record which comprises (with or without other material, and either in their original form or in the form of adaptations) two or more musical works in which copyright subsists—
- (a) the minimum royalty shall be three-farthings in respect of each of those works, or, if a higher or lower amount is prescribed by an order under the last preceding subsection as the minimum royalty, shall be that amount in respect of each of those works ; and
  - (b) if the owners of the copyright in the works are different persons, the royalty shall be apportioned among them in such manner as they may agree or as, in default of agreement, may be determined by arbitration.
- (5) Where a record comprises (with or without other material) a performance of a musical work, or of an adaptation of a musical work, in which words are sung, or are spoken incidentally to or in association with the music, and either no copyright subsists in that work or, if such copyright subsists, the conditions specified in subsection (1) of this section are fulfilled in relation to that copyright, then if—
- (a) the words consist or form part of a literary or dramatic work in which copyright subsists, and
  - (b) such previous records as are referred to in paragraph (a) of subsection (1) of this section were made or imported by, or with the licence of, the owner of the copyright in that literary or dramatic work, and

PART I  
—cont.

- (c) the conditions specified in paragraphs (b) and (d) of subsection (1) of this section are fulfilled in relation to the owner of that copyright,

the making of the record shall not constitute an infringement of the copyright in the literary or dramatic work :

Provided that this subsection shall not be construed as requiring more than one royalty to be paid in respect of a record; and if copyright subsists both in the musical work and in the literary or dramatic work, and their owners are different persons, the royalty shall be apportioned among them (or among them and any other person entitled to a share thereof in accordance with the last preceding subsection) as they may agree or as, in default of agreement, may be determined by arbitration.

(6) For the purposes of this section an adaptation of a work shall be taken to be similar to an adaptation thereof contained in previous records if the two adaptations do not substantially differ in their treatment of the work, either in respect of style or (apart from any difference in numbers) in respect of the performers required for performing them.

(7) Where, for the purposes of paragraph (a) of subsection (1) of this section, the manufacturer requires to know whether such previous records as are mentioned in that paragraph were made or imported as therein mentioned, the manufacturer may make the prescribed inquiries; and if the owner of the copyright fails to reply to those inquiries within the prescribed period, the previous records shall be taken to have been made or imported, as the case may be, with the licence of the owner of the copyright.

(8) The preceding provisions of this section shall apply in relation to records of part of a work or adaptation as they apply in relation to records of the whole of it:

Provided that subsection (1) of this section—

- (a) shall not apply to a record of the whole of a work or adaptation unless the previous records referred to in paragraph (a) of that subsection were records of the whole of the work or of a similar adaptation, and
- (b) shall not apply to a record of part of a work or adaptation unless those previous records were records of, or comprising, that part of the work or of a similar adaptation.

(9) In relation to musical works published before the first day of July, nineteen hundred and twelve, the preceding provisions of this section shall apply as if paragraph (a) of subsection (1), paragraph (b) of subsection (5), subsections (6) and (7), and the proviso to the last preceding subsection, were omitted:

Provided that this subsection shall not extend the operation of subsection (5) of this section to a record in respect of which the condition specified in paragraph (b) of that subsection is not fulfilled, unless the words comprised in the record (as well as the musical work) were published before the first day of July, nineteen hundred and twelve, and were so published as words to be sung to, or spoken incidentally to or in association with, the music.

(10) Nothing in this section shall be construed as authorising the importation of records which could not lawfully be imported apart from this section; and accordingly, for the purposes of any provision of this Act relating to imported articles, where the question arises whether the making of a record made outside the United Kingdom would have constituted an infringement of copyright if the record had been made in the United Kingdom, that question shall be determined as if subsection (1) of this section had not been enacted.

(11) In this section “prescribed” means prescribed by regulations made under this section by the Board of Trade; and any such regulations made for the purposes of paragraph (d) of subsection (1) of this section may provide that the taking of such steps as may be specified in the regulations (being such steps as the Board consider most convenient for ensuring the receipt of the royalties by the owner of the copyright) shall be treated as constituting payment of the royalties in accordance with that paragraph.

9.—(1) No fair dealing with an artistic work for purposes of research or private study shall constitute an infringement of the copyright in the work.

(2) No fair dealing with an artistic work shall constitute an infringement of the copyright in the work if it is for purposes of criticism or review, whether of that work or of another work, and is accompanied by a sufficient acknowledgment.

(3) The copyright in a work to which this subsection applies which is permanently situated in a public place, or in premises open to the public, is not infringed by the making of a painting, drawing, engraving or photograph of the work, or the inclusion of the work in a cinematograph film or in a television broadcast.

This subsection applies to sculptures, and to such works of artistic craftsmanship as are mentioned in paragraph (c) of subsection (1) of section three of this Act.

(4) The copyright in a work of architecture is not infringed by the making of a painting, drawing, engraving or photograph of the work, or the inclusion of the work in a cinematograph film or in a television broadcast.

General  
exceptions  
from  
protection  
of artistic  
works.

**PART I**  
**—cont.**

(5) Without prejudice to the two last preceding subsections, the copyright in an artistic work is not infringed by the inclusion of the work in a cinematograph film or in a television broadcast, if its inclusion therein is only by way of background or is otherwise only incidental to the principal matters represented in the film or broadcast.

(6) The copyright in an artistic work is not infringed by the publication of a painting, drawing, engraving, photograph or cinematograph film, if by virtue of any of the three last preceding subsections the making of that painting, drawing, engraving, photograph or film did not constitute an infringement of the copyright.

(7) The copyright in an artistic work is not infringed by reproducing it for the purposes of a judicial proceeding or for the purposes of a report of a judicial proceeding.

(8) The making of an object of any description which is in three dimensions shall not be taken to infringe the copyright in an artistic work in two dimensions, if the object would not appear, to persons who are not experts in relation to objects of that description, to be a reproduction of the artistic work.

(9) The copyright in an artistic work is not infringed by the making of a subsequent artistic work by the same author, notwithstanding that part of the earlier work—

(a) is reproduced in the subsequent work, and

(b) is so reproduced by the use of a mould, cast, sketch, plan, model or study made for the purposes of the earlier work,

if in making the subsequent work the author does not repeat or imitate the main design of the earlier work.

(10) Where copyright subsists in a building as a work of architecture, the copyright is not infringed by any reconstruction of that building; and where a building has been constructed in accordance with architectural drawings or plans in which copyright subsists, and has been so constructed by, or with the licence of, the owner of that copyright, any subsequent reconstruction of the building by reference to those drawings or plans shall not constitute an infringement of that copyright.

(11) The provisions of this section shall apply in relation to a television programme which is caused to be transmitted to subscribers to a diffusion service as they apply in relation to a television broadcast.



**10.—(1)** Where copyright subsists in an artistic work, and a corresponding design is registered under the Registered Designs Act, 1949 (in this section referred to as “the Act of 1949”), it shall not be an infringement of the copyright in the work—

PART I  
—cont.  
Special  
exception  
in respect  
of industrial  
designs.

- (a) to do anything, during the subsistence of the copyright in the registered design under the Act of 1949, which is within the scope of the copyright in the design, or
- (b) to do anything, after the copyright in the registered design has come to an end, which, if it had been done while the copyright in the design subsisted, would have been within the scope of that copyright as extended to all associated designs and articles :

Provided that this subsection shall have effect subject to the provisions of the First Schedule to this Act in cases falling within that Schedule.

**(2)** Where copyright subsists in an artistic work, and—

- (a) a corresponding design is applied industrially by or with the licence of the owner of the copyright in the work, and
- (b) articles to which the design has been so applied are sold, let for hire, or offered for sale or hire, and
- (c) at the time when those articles are sold, let for hire, or offered for sale or hire, they are not articles in respect of which the design has been registered under the Act of 1949,

the following provisions of this section shall apply.

**(3)** Subject to the next following subsection,—

- (a) during the relevant period of fifteen years, it shall not be an infringement of the copyright in the work to do anything which, at the time when it is done, would have been within the scope of the copyright in the design if the design had, immediately before that time, been registered in respect of all relevant articles ; and
- (b) after the end of the relevant period of fifteen years, it shall not be an infringement of the copyright in the work to do anything which, at the time when it is done, would, if the design had been registered immediately before that time, have been within the scope of the copyright in the design as extended to all associated designs and articles.

In this subsection “the relevant period of fifteen years” means the period of fifteen years beginning with the date on which articles, such as are mentioned in paragraph (b) of the last preceding subsection, were first sold, let for hire, or offered for sale or hire in the circumstances mentioned in paragraph (c) of that subsection ; and “all relevant articles”, in relation to any time

**PART I**  
—cont.

within that period, means all articles falling within the said paragraph (b) which had before that time been sold, let for hire, or offered for sale or hire in those circumstances.

(4) For the purposes of subsections (2) and (3) of this section, no account shall be taken of any articles in respect of which, at the time when they were sold, let for hire, or offered for sale or hire, the design in question was excluded from registration under the Act of 1949 by rules made under subsection (4) of section one of that Act (which relates to the exclusion of designs for articles which are primarily literary or artistic in character); and for the purposes of any proceedings under this Act a design shall be conclusively presumed to have been so excluded if—

- (a) before the commencement of those proceedings, an application for the registration of the design under the Act of 1949 in respect of those articles had been refused;
- (b) the reason or one of the reasons stated for the refusal was that the design was excluded from such registration by rules made under the said subsection (4); and
- (c) no appeal against that refusal had been allowed before the date of the commencement of the proceedings or was pending on that date.

(5) The power of the Board of Trade to make rules under section thirty-six of the Act of 1949 shall include power to make rules for the purposes of this section for determining the circumstances in which a design is to be taken to be applied industrially.

(6) In this section, references to the scope of the copyright in a registered design are references to the aggregate of the things, which, by virtue of section seven of the Act of 1949, the registered proprietor of the design has the exclusive right to do, and references to the scope of the copyright in a registered design as extended to all associated designs and articles are references to the aggregate of the things which, by virtue of that section, the registered proprietor would have had the exclusive right to do if—

- (a) when that design was registered, there had at the same time been registered every possible design consisting of that design with modifications or variations not sufficient to alter the character or substantially to affect the identity thereof, and the said proprietor had been registered as the proprietor of every such design, and

(b) the design in question, and every other design such as is mentioned in the preceding paragraph, had been registered in respect of all the articles to which it was capable of being applied.

PART I  
—cont.

(7) In this section “corresponding design”, in relation to an artistic work, means a design which, when applied to an article, results in a reproduction of that work.

11.—(1) The preceding provisions of this Part of this Act shall have effect subject to the modifications specified in the Second Schedule to this Act in the case of works published anonymously or pseudonymously.

Provisions as to anonymous and pseudonymous works, and works of joint authorship.

(2) The provisions of the Third Schedule to this Act shall have effect with respect to works of joint authorship.

(3) In this Act “work of joint authorship” means a work produced by the collaboration of two or more authors in which the contribution of each author is not separate from the contribution of the other author or authors.

## PART II

### COPYRIGHT IN SOUND RECORDINGS, CINEMATOGRAPH FILMS, BROADCASTS, ETC.

12.—(1) Copyright shall subsist, subject to the provisions of this Act, in every sound recording of which the maker was a qualified person at the time when the recording was made.

Copyright in sound recordings.

(2) Without prejudice to the preceding subsection, copyright shall subsist, subject to the provisions of this Act, in every sound recording which has been published, if the first publication of the recording took place in the United Kingdom or in another country to which this section extends.

(3) Copyright subsisting in a sound recording by virtue of this section shall continue to subsist until the end of the period of fifty years from the end of the calendar year in which the recording is first published, and shall then expire.

(4) Subject to the provisions of this Act, the maker of a sound recording shall be entitled to any copyright subsisting in the recording by virtue of this section :

Provided that where a person commissions the making of a sound recording, and pays or agrees to pay for it in money or money's worth, and the recording is made in pursuance of that commission, that person, in the absence of any agreement

**PART II**  
—*cont.*

to the contrary, shall, subject to the provisions of Part VI of this Act, be entitled to any copyright subsisting in the recording by virtue of this section.

(5) The acts restricted by the copyright in a sound recording are the following, whether a record embodying the recording is utilised directly or indirectly in doing them, that is to say,—

- (a) making a record embodying the recording ;
- (b) causing the recording to be heard in public ;
- (c) broadcasting the recording.

(6) The copyright in a sound recording is not infringed by a person who does any of those acts in the United Kingdom in relation to a sound recording, or part of a sound recording, if—

- (a) records embodying that recording, or that part of the recording, as the case may be, have previously been issued to the public in the United Kingdom, and
- (b) at the time when those records were so issued, neither the records nor the containers in which they were so issued bore a label or other mark indicating the year in which the recording was first published :

Provided that this subsection shall not apply if it is shown that the records in question were not issued by or with the licence of the owner of the copyright, or that the owner of the copyright had taken all reasonable steps for securing that records embodying the recording or part thereof would not be issued to the public in the United Kingdom without such a label or mark either on the records themselves or on their containers.

(7) Where a sound recording is caused to be heard in public—

- (a) at any premises where persons reside or sleep, as part of the amenities provided exclusively or mainly for residents or inmates therein, or
- (b) as part of the activities of, or for the benefit of, a club, society or other organisation 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,

the act of causing it to be so heard shall not constitute an infringement of the copyright in the recording :

Provided that this subsection shall not apply—

- (i) in the case of such premises as are mentioned in paragraph (a) of this subsection, if a special charge is made for admission to the part of the premises where the recording is to be heard ; or
- (ii) in the case of such an organisation as is mentioned in paragraph (b) of this subsection, if a charge is made for

admission to the place where the recording is to be heard, and any of the proceeds of the charge are applied otherwise than for the purposes of the organisation.

PART II  
—cont.

(8) For the purposes of this Act a sound recording shall be taken to be made at the time when the first record embodying the recording is produced, and the maker of a sound recording is the person who owns that record at the time when the recording is made.

(9) In this Act “sound recording” means the aggregate of the sounds embodied in, and capable of being reproduced by means of, a record of any description, other than a sound-track associated with a cinematograph film; and “publication”, in relation to a sound recording, means the issue to the public of records embodying the recording or any part thereof.

13.—(1) Copyright shall subsist, subject to the provisions of this Act, in every cinematograph film of which the maker was a qualified person for the whole or a substantial part of the period during which the film was made. Copyright in cinematograph films.

(2) Without prejudice to the preceding subsection, copyright shall subsist, subject to the provisions of this Act, in every cinematograph film which has been published, if the first publication of the film took place in the United Kingdom or in another country to which this section extends.

(3) Copyright subsisting in a cinematograph film by virtue of this section—

(a) in the case of a film which is registrable under Part III of the Cinematograph Films Act, 1938, shall continue to subsist until the film is registered thereunder, and thereafter until the end of the period of fifty years from the end of the calendar year in which it is so registered;

(b) in the case of a film which is not so registrable, shall continue until the film is published, and thereafter until the end of the period of fifty years from the end of the calendar year which includes the date of its first publication, or, if copyright in the film subsists by virtue only of the last preceding subsection, shall continue as from the date of first publication until the end of the period of fifty years from the end of the calendar year which includes that date,

and shall then expire:

Provided that if the Parliament of Northern Ireland passes legislation for purposes similar to those of Part III of the said Act of 1938, then, in the case of a cinematograph film which is

**PART II**  
—cont.

registered under that legislation, at a time when it has not been registered under the said Part III, the copyright shall continue to subsist until the end of the period of fifty years from the end of the calendar year which includes the date on which the film is registered under that legislation, and shall then expire.

(4) Subject to the provisions of Part VI of this Act, the maker of a cinematograph film shall be entitled to any copyright subsisting in the film by virtue of this section.

(5) The acts restricted by the copyright in a cinematograph film are—

- (a) making a copy of the film ;
- (b) causing the film, in so far as it consists of visual images, to be seen in public, or, in so far as it consists of sounds, to be heard in public ;
- (c) broadcasting the film ;
- (d) causing the film to be transmitted to subscribers to a diffusion service.

(6) The copyright in a cinematograph film is not infringed by making a copy of it for the purposes of a judicial proceeding, or by causing it to be seen or heard in public for the purposes of such a proceeding.

(7) Where by virtue of this section copyright has subsisted in a cinematograph film, a person who, after that copyright has expired, causes the film to be seen, or to be seen and heard, in public does not thereby infringe any copyright subsisting by virtue of Part I of this Act in any literary, dramatic, musical or artistic work.

(8) In the case of any such film as is mentioned in paragraph (a) of section thirty-five of the Cinematograph Films Act, 1938 (which relates to newsreels), the copyright in the film is not infringed by causing it to be seen or heard in public after the end of the period of fifty years from the end of the calendar year in which the principal events depicted in the film occurred.

(9) For the purposes of this Act a cinematograph film shall be taken to include the sounds embodied in any sound-track associated with the film, and references to a copy of a cinematograph film shall be construed accordingly :

Provided that where those sounds are also embodied in a record, other than such a sound-track or a record derived (directly or indirectly) from such a sound-track, the copyright in the film is not infringed by any use made of that record.

## (10) In this Act—

“cinematograph film” means any sequence of visual images recorded on material of any description (whether translucent or not) so as to be capable, by the use of that material,—

(a) of being shown as a moving picture, or

(b) of being recorded on other material (whether translucent or not), by the use of which it can be so shown ;

“the maker”, in relation to a cinematograph film, means the person by whom the arrangements necessary for the making of the film are undertaken ;

“publication”, in relation to a cinematograph film, means the sale, letting on hire, or offer for sale or hire, of copies of the film to the public ;

“copy”, in relation to a cinematograph film, means any print, negative, tape or other article on which the film or part of it is recorded,

and references in this Act to a sound-track associated with a cinematograph film are references to any record of sounds which is incorporated in any print, negative, tape or other article on which the film or part of it, in so far as it consists of visual images, is recorded, or which is issued by the maker of the film for use in conjunction with such an article.

(11) References in this section to Part III of the Cinematograph Films Act, 1938, shall be construed as including references to any enactments for the time being in force amending or substituted for the provisions of the said Part III.

14.—(1) Copyright shall subsist, subject to the provisions of this Act,—

(a) in every television broadcast made by the British Broadcasting Corporation (in this Act referred to as “the Corporation”) or by the Independent Television Authority (in this Act referred to as “the Authority”) from a place in the United Kingdom or in any other country to which this section extends, and

(b) in every sound broadcast made by the Corporation or the Authority from such a place.

(2) Subject to the provisions of this Act, the Corporation or the Authority, as the case may be, shall be entitled to any copyright subsisting in a television broadcast or sound broadcast made by them ; and any such copyright shall continue to subsist

**PART II**  
—*cont.*

until the end of the period of fifty years from the end of the calendar year in which the broadcast is made, and shall then expire.

(3) In so far as a television broadcast or sound broadcast is a repetition (whether the first or any subsequent repetition) of a television broadcast or sound broadcast previously made as mentioned in subsection (1) of this section (whether by the Corporation or by the Authority), and is made by broadcasting material recorded on film, records or otherwise,—

(a) copyright shall not subsist therein by virtue of this section if it is made after the end of the period of fifty years from the end of the calendar year in which the previous broadcast was made ; and

(b) if it is made before the end of that period, any copyright subsisting therein by virtue of this section shall expire at the end of that period.

(4) The acts restricted by the copyright in a television broadcast or sound broadcast are—

(a) in the case of a television broadcast in so far as it consists of visual images, making, otherwise than for private purposes, a cinematograph film of it or a copy of such a film ;

(b) in the case of a sound broadcast, or of a television broadcast in so far as it consists of sounds, making, otherwise than for private purposes, a sound recording of it or a record embodying such a recording ;

(c) in the case of a television broadcast, causing it, in so far as it consists of visual images, to be seen in public, or, in so far as it consists of sounds, to be heard in public, if it is seen or heard by a paying audience ;

(d) in the case either of a television broadcast or of a sound broadcast, re-broadcasting it.

(5) The restrictions imposed by virtue of the last preceding subsection in relation to a television broadcast or sound broadcast made by the Corporation or by the Authority shall apply whether the act in question is done by the reception of the broadcast or by making use of any record, print, negative, tape or other article on which the broadcast has been recorded.

(6) In relation to copyright in television broadcasts, in so far as they consist of visual images, the restrictions imposed by virtue of subsection (4) of this section shall apply to any sequence of images sufficient to be seen as a moving picture ; and accordingly, for the purpose of establishing an infringement of such copyright, it shall not be necessary to prove that the act in question extended to more than such a sequence of images.



(7) For the purposes of subsection (4) of this section a cinematograph film or a copy thereof, or a sound recording or a record embodying a recording, shall be taken to be made otherwise than for private purposes if it is made for the purposes of the doing by any person of any of the following acts, that is to say,—

- (a) the sale or letting for hire of any copy of the film, or, as the case may be, of any record embodying the recording ;
- (b) broadcasting the film or recording ;
- (c) causing the film or recording to be seen or heard in public.

(8) For the purposes of paragraph (c) of subsection (4) of this section, a television broadcast shall be taken to be seen or heard by a paying audience if it is seen or heard by persons who either—

- (a) have been admitted for payment to the place where the broadcast is to be seen or heard, or have been admitted for payment to a place of which that place forms part, or
- (b) have been admitted to the place where the broadcast is to be seen or heard in circumstances where goods or services are supplied there at prices which exceed the prices usually charged at that place and are partly attributable to the facilities afforded for seeing or hearing the broadcast :

Provided that for the purposes of paragraph (a) of this subsection no account shall be taken—

- (i) of persons admitted to the place in question as residents or inmates therein, or
- (ii) of persons admitted to that place as members of a club or society, where the payment is only for membership of the club or society and the provision of facilities for seeing or hearing television broadcasts is only incidental to the main purposes of the club or society.

(9) The copyright in a television broadcast or sound broadcast is not infringed by anything done in relation to the broadcast for the purposes of a judicial proceeding.

(10) In this Act “television broadcast” means visual images broadcast by way of television, together with any sounds broadcast for reception along with those images, and “sound broadcast” means sounds broadcast otherwise than as part of a television broadcast ; and for the purposes of this Act a television broadcast or sound broadcast shall be taken to be made by the body by whom, at the time when, and from the place from which, the visual images or sounds in question, or both, as the case may be, are broadcast.

**PART II**  
—cont.  
Copyright in  
published  
editions of  
works.

**15.—(1)** Copyright shall subsist, subject to the provisions of this Act, in every published edition of any one or more literary, dramatic or musical works in the case of which either—

- (a) the first publication of the edition took place in the United Kingdom, or in another country to which this section extends, or
- (b) the publisher of the edition was a qualified person at the date of the first publication thereof:

Provided that this subsection does not apply to an edition which reproduces the typographical arrangement of a previous edition of the same work or works.

(2) Subject to the provisions of this Act, the publisher of an edition shall be entitled to any copyright subsisting in the edition by virtue of this section; and any such copyright shall continue to subsist until the end of the period of twenty-five years from the end of the calendar year in which the edition was first published, and shall then expire.

(3) The act restricted by the copyright subsisting by virtue of this section in a published edition is the making, by any photographic or similar process, of a reproduction of the typographical arrangement of the edition.

(4) The copyright under this section in a published edition is not infringed by the making by or on behalf of a librarian of a reproduction of the typographical arrangement of the edition, if he is the librarian of a library of a class prescribed by regulations made under this subsection by the Board of Trade, and the conditions prescribed by those regulations are complied with.

Supplementary  
provisions for  
purposes of  
**PART II.**

**16.—(1)** The provisions of this section shall have effect with respect to copyright subsisting by virtue of this Part of this Act in sound recordings, cinematograph films, television broadcasts and sound broadcasts, and in published editions of literary, dramatic and musical works; and in those provisions references to the relevant provision of this Part of this Act, in relation to copyright in a subject-matter of any of those descriptions, are references to the provision of this Part of this Act whereby it is provided that (subject to compliance with the conditions specified therein) copyright shall subsist in that description of subject-matter.

(2) Any copyright subsisting by virtue of this Part of this Act is infringed by any person who, without the licence of the owner of the copyright, imports an article (otherwise than for his private and domestic use) into the United Kingdom, or into any other country to which the relevant provision of this Part of this Act extends, if to his knowledge the making of that article

constituted an infringement of that copyright, or would have constituted such an infringement if the article had been made in the place into which it is so imported.

(3) Any such copyright is also infringed by any person who, in the United Kingdom, or in any other country to which the relevant provision of this Part of this Act extends, and without the licence of the owner of the copyright,—

(a) sells, lets for hire, or by way of trade offers or exposes for sale or hire any article, or

(b) by way of trade exhibits any article in public,

if to his knowledge the making of the article constituted an infringement of that copyright, or (in the case of an imported article) would have constituted an infringement of that copyright if the article had been made in the place into which it was imported.

(4) The last preceding subsection shall apply in relation to the distribution of any articles either—

(a) for purposes of trade, or

(b) for other purposes, but to such an extent as to affect prejudicially the owner of the copyright in question,

as it applies in relation to the sale of an article.

(5) The three last preceding subsections shall have effect without prejudice to the general provisions of section one of this Act as to infringements of copyright.

(6) Where by virtue of this Part of this Act copyright subsists in a sound recording, cinematograph film, broadcast or other subject-matter, nothing in this Part of this Act shall be construed as affecting the operation of Part I of this Act in relation to any literary, dramatic, musical or artistic work from which that subject-matter is wholly or partly derived; and copyright subsisting by virtue of this Part of this Act shall be additional to, and independent of, any copyright subsisting by virtue of Part I of this Act:

Provided that this subsection shall have effect subject to the provisions of subsection (7) of section thirteen of this Act.

(7) The subsistence of copyright under any of the preceding sections of this Part of this Act shall not affect the operation of any other of those sections under which copyright can subsist.

### PART III

#### REMEDIES FOR INFRINGEMENTS OF COPYRIGHT

17.—(1) Subject to the provisions of this Act, infringements of copyright shall be actionable at the suit of the owner of the copyright; and in any action for such an infringement all such relief, by way of damages, injunction, accounts or otherwise, shall be available to the plaintiff as is available in any

PART II  
—cont.

Action by  
owner of  
copyright for  
infringement.

**PART III**  
—*cont.*

corresponding proceedings in respect of infringements of other proprietary rights.

(2) Where in an action for infringement of copyright it is proved or admitted—

(a) that an infringement was committed, but

(b) that at the time of the infringement the defendant was not aware, and had no reasonable grounds for suspecting, that copyright subsisted in the work or other subject-matter to which the action relates,

the plaintiff shall not be entitled under this section to any damages against the defendant in respect of the infringement, but shall be entitled to an account of profits in respect of the infringement whether any other relief is granted under this section or not.

(3) Where in an action under this section an infringement of copyright is proved or admitted, and the court, having regard (in addition to all other material considerations) to—

(a) the flagrancy of the infringement, and

(b) any benefit shown to have accrued to the defendant by reason of the infringement,

is satisfied that effective relief would not otherwise be available to the plaintiff, the court, in assessing damages for the infringement, shall have power to award such additional damages by virtue of this subsection as the court may consider appropriate in the circumstances.

(4) In an action for infringement of copyright in respect of the construction of a building, no injunction or other order shall be made—

(a) after the construction of the building has been begun, so as to prevent it from being completed, or

(b) so as to require the building, in so far as it has been constructed, to be demolished.

(5) In this Part of this Act “action” includes a counterclaim, and references to the plaintiff and to the defendant in an action shall be construed accordingly.

(6) In the application of this Part of this Act to Scotland, “injunction” means an interdict and “interlocutory injunction” means an interim interdict, “accounts” means count, reckoning and payment, “an account of profits” means an accounting and payment of profits, “plaintiff” means pursuer, “defendant” means defender and “costs” means expenses.

Rights of owner of copyright in respect of infringing copies, etc.

18.—(1) Subject to the provisions of this Act, the owner of any copyright shall be entitled to all such rights and remedies, in respect of the conversion or detention by any person of any infringing copy, or of any plate used or intended to be used for making infringing copies, as he would be entitled to if he were

the owner of every such copy or plate and had been the owner thereof since the time when it was made:

PART III  
—cont.

Provided that if, by virtue of subsection (2) of section three of the Limitation Act, 1939 (which relates to successive conversions or detentions), or of any corresponding provision which may be enacted by the Parliament of Northern Ireland, the title of the owner of the copyright to such a copy or plate would (if he had then been the owner of the copy or plate) have been extinguished at the end of the period mentioned in that subsection or corresponding provision, he shall not be entitled to any rights or remedies under this subsection in respect of anything done in relation to that copy or plate after the end of that period.

(2) A plaintiff shall not be entitled by virtue of this section to any damages or to any other pecuniary remedy (except costs) if it is proved or admitted that, at the time of the conversion or detention in question,—

- (a) the defendant was not aware, and had no reasonable grounds for suspecting, that copyright subsisted in the work or other subject-matter to which the action relates, or
- (b) where the articles converted or detained were infringing copies, the defendant believed, and had reasonable grounds for believing, that they were not infringing copies, or
- (c) where the article converted or detained was a plate used or intended to be used for making any articles, the defendant believed, and had reasonable grounds for believing, that the articles so made or intended to be made were not, or (as the case may be) would not be, infringing copies.

(3) In this Part of this Act “infringing copy”—

- (a) in relation to a literary, dramatic, musical or artistic work, or to such a published edition as is mentioned in section fifteen of this Act, means a reproduction otherwise than in the form of a cinematograph film,
- (b) in relation to a sound recording, means a record embodying that recording,
- (c) in relation to a cinematograph film, means a copy of the film, and
- (d) in relation to a television broadcast or a sound broadcast, means a copy of a cinematograph film of it or a record embodying a sound recording of it,

being (in any such case) an article the making of which constituted an infringement of the copyright in the work, edition, recording, film or broadcast, or, in the case of an imported

**PART III**  
—*cont.*

article, would have constituted an infringement of that copyright if the article had been made in the place into which it was imported; and "plate" includes any stereotype, stone, block, mould, matrix, transfer, negative or other appliance.

(4) In the application of this section to Scotland, for any reference to the conversion or detention by any person of an infringing copy there shall be substituted a reference to an intromission by any person with an infringing copy, and for any reference to articles converted or detained there shall be substituted a reference to articles intromitted with.

**Proceedings  
in case of  
copyright  
subject to  
exclusive  
licence.**

**19.**—(1) The provisions of this section shall have effect as to proceedings in the case of any copyright in respect of which an exclusive licence has been granted and is in force at the time of the events to which the proceedings relate.

(2) Subject to the following provisions of this section—

- (a) the exclusive licensee shall (except against the owner of the copyright) have the same rights of action, and be entitled to the same remedies, under section seventeen of this Act as if the licence had been an assignment, and those rights and remedies shall be concurrent with the rights and remedies of the owner of the copyright under that section;
- (b) the exclusive licensee shall (except against the owner of the copyright) have the same rights of action, and be entitled to the same remedies, by virtue of the last preceding section as if the licence had been an assignment; and
- (c) the owner of the copyright shall not have any rights of action, or be entitled to any remedies, by virtue of the last preceding section which he would not have had or been entitled to if the licence had been an assignment.

(3) Where an action is brought either by the owner of the copyright or by the exclusive licensee, and the action, in so far as it is brought under section seventeen of this Act, relates (wholly or partly) to an infringement in respect of which they have concurrent rights of action under that section, the owner or licensee, as the case may be, shall not be entitled, except with the leave of the court, to proceed with the action, in so far as it is brought under that section and relates to that infringement, unless the other party is either joined as a plaintiff in the action or added as a defendant:

Provided that this subsection shall not affect the granting of an interlocutory injunction on the application of either of them.

(4) In any action brought by the exclusive licensee by virtue of this section, any defence which would have been available to

a defendant in the action, if this section had not been enacted and the action had been brought by the owner of the copyright, shall be available to that defendant as against the exclusive licensee.

(5) Where an action is brought in the circumstances mentioned in subsection (3) of this section, and the owner of the copyright and the exclusive licensee are not both plaintiffs in the action, the court, in assessing damages in respect of any such infringement as is mentioned in that subsection,—

- (a) if the plaintiff is the exclusive licensee, shall take into account any liabilities (in respect of royalties or otherwise) to which the licence is subject, and
- (b) whether the plaintiff is the owner of the copyright or the exclusive licensee, shall take into account any pecuniary remedy already awarded to the other party under section seventeen of this Act in respect of that infringement, or, as the case may require, any right of action exercisable by the other party under that section in respect thereof.

(6) Where an action, in so far as it is brought under section seventeen of this Act, relates (wholly or partly) to an infringement in respect of which the owner of the copyright and the exclusive licensee have concurrent rights of action under that section, and in that action (whether they are both parties to it or not) an account of profits is directed to be taken in respect of that infringement, then, subject to any agreement of which the court is aware, whereby the application of those profits is determined as between the owner of the copyright and the exclusive licensee, the court shall apportion the profits between them as the court may consider just, and shall give such directions as the court may consider appropriate for giving effect to that apportionment.

(7) In an action brought either by the owner of the copyright or by the exclusive licensee,—

- (a) no judgment or order for the payment of damages in respect of an infringement of copyright shall be given or made under section seventeen of this Act, if a final judgment or order has been given or made awarding an account of profits to the other party under that section in respect of the same infringement; and
- (b) no judgment or order for an account of profits in respect of an infringement of copyright shall be given or made under that section, if a final judgment or order has been given or made awarding either damages or an account of profits to the other party under that section in respect of the same infringement.

**PART III**  
—*cont.*

(8) Where, in an action brought in the circumstances mentioned in subsection (3) of this section, whether by the owner of the copyright or by the exclusive licensee, the other party is not joined as a plaintiff (either at the commencement of the action or subsequently), but is added as a defendant, he shall not be liable for any costs in the action unless he enters an appearance and takes part in the proceedings.

(9) In this section “exclusive licence” means a licence in writing, signed by or on behalf of an owner or prospective owner of copyright, authorising the licensee, to the exclusion of all other persons, including the grantor of the licence, to exercise a right which by virtue of this Act would (apart from the licence) be exercisable exclusively by the owner of the copyright, and “exclusive licensee” shall be construed accordingly; “the other party”, in relation to the owner of the copyright, means the exclusive licensee, and, in relation to the exclusive licensee, means the owner of the copyright; and “if the licence had been an assignment” means if, instead of the licence, there had been granted (subject to terms and conditions corresponding as nearly as may be with those subject to which the licence was granted) an assignment of the copyright in respect of its application to the doing, at the places and times authorised by the licence, of the acts so authorised.

**Proof of  
facts in  
copyright  
actions.**

**20.—**(1) In any action brought by virtue of this Part of this Act—

- (a) copyright shall be presumed to subsist in the work or other subject-matter to which the action relates, if the defendant does not put in issue the question whether copyright subsists therein, and
- (b) where the subsistence of the copyright is proved or admitted, or is presumed in pursuance of the preceding paragraph, the plaintiff shall be presumed to be the owner of the copyright, if he claims to be the owner of the copyright and the defendant does not put in issue the question of his ownership thereof.

(2) Subject to the preceding subsection, where, in the case of a literary, dramatic, musical or artistic work, a name purporting to be that of the author appeared on copies of the work as published, or, in the case of an artistic work, appeared on the work when it was made, the person whose name so appeared (if it was his true name or a name by which he was commonly known) shall, in any action brought by virtue of this Part of this Act, be presumed, unless the contrary is proved,—

- (a) to be the author of the work, and
- (b) to have made the work in circumstances not falling within subsection (2), subsection (3) or subsection (4) of section four of this Act.



(3) In the case of a work alleged to be a work of joint authorship, the last preceding subsection shall apply in relation to each person alleged to be one of the authors of the work, as if references in that subsection to the author were references to one of the authors.

(4) Where, in an action brought by virtue of this Part of this Act with respect to a literary, dramatic, musical or artistic work, subsection (2) of this section does not apply, but it is established—

(a) that the work was first published in the United Kingdom, or in another country to which section two, or, as the case may be, section three, of this Act extends, and was so published within the period of fifty years ending with the beginning of the calendar year in which the action was brought, and

(b) that a name purporting to be that of the publisher appeared on copies of the work as first published,

then, unless the contrary is shown, copyright shall be presumed to subsist in the work and the person whose name so appeared shall be presumed to have been the owner of that copyright at the time of the publication.

For the purposes of this subsection a fact shall be taken to be established if it is proved or admitted, or if it is presumed in pursuance of the following provisions of this section.

(5) Where in an action brought by virtue of this Part of this Act with respect to a literary, dramatic, musical or artistic work it is proved or admitted that the author of the work is dead,—

(a) the work shall be presumed to be an original work unless the contrary is proved, and

(b) if it is alleged by the plaintiff that a publication specified in the allegation was the first publication of the work, and that it took place in a country and on a date so specified, that publication shall be presumed, unless the contrary is proved, to have been the first publication of the work, and to have taken place in that country and on that date.

(6) Paragraphs (a) and (b) of the last preceding subsection shall apply where a work has been published, and—

(a) the publication was anonymous, or was under a name alleged by the plaintiff to have been a pseudonym, and

(b) it is not shown that the work has ever been published under the true name of the author, or under a name by which he was commonly known, or that it is possible for a person without previous knowledge of the facts to ascertain the identity of the author by reasonable inquiry,

**PART III**  
—cont.

as those paragraphs apply in a case where it is proved that the author is dead.

(7) In any action brought by virtue of this Part of this Act with respect to copyright in a sound recording, if records embodying that recording or part thereof have been issued to the public, and at the time when those records were so issued they bore a label or other mark comprising any one or more of the following statements, that is to say,—

- (a) that a person named on the label or mark was the maker of the sound recording ;
- (b) that the recording was first published in a year specified on the label or mark ;
- (c) that the recording was first published in a country specified on the label or mark,

that label or mark shall be sufficient evidence of the facts so stated except in so far as the contrary is proved.

Penalties and summary proceedings in respect of dealings which infringe copyright.

**21.—(1)** Any person who, at a time when copyright subsists in a work,—

- (a) makes for sale or hire, or
- (b) sells or lets for hire, or by way of trade offers or exposes for sale or hire, or
- (c) by way of trade exhibits in public, or
- (d) imports into the United Kingdom, otherwise than for his private and domestic use,

any article which he knows to be an infringing copy of the work, shall be guilty of an offence under this subsection.

(2) Any person who, at a time when copyright subsists in a work, distributes, either—

- (a) for purposes of trade, or
- (b) for other purposes, but to such an extent as to affect prejudicially the owner of the copyright,

articles which he knows to be infringing copies of the work, shall be guilty of an offence under this subsection.

(3) Any person who, at a time when copyright subsists in a work, makes or has in his possession a plate, knowing that it is to be used for making infringing copies of the work, shall be guilty of an offence under this subsection.

(4) The preceding subsections shall apply in relation to copyright subsisting in any subject-matter by virtue of Part II of this Act, as they apply in relation to copyright subsisting by virtue of Part I of this Act.

(5) Any person who causes a literary, dramatic or musical work to be performed in public, knowing that copyright subsists in the work and that the performance constitutes an infringement of the copyright, shall be guilty of an offence under this subsection.

(6) The preceding provisions of this section apply only in respect of acts done in the United Kingdom.

(7) A person guilty of an offence under subsection (1) or subsection (2) of this section shall on summary conviction—

(a) if it is his first conviction of an offence under this section, be liable to a fine not exceeding forty shillings for each article to which the offence relates ;

(b) in any other case, be liable to such a fine, or to imprisonment for a term not exceeding two months :

Provided that a fine imposed by virtue of this subsection shall not exceed fifty pounds in respect of articles comprised in the same transaction.

(8) A person guilty of an offence under subsection (3) or subsection (5) of this section shall on summary conviction—

(a) if it is his first conviction of an offence under this section, be liable to a fine not exceeding fifty pounds ;

(b) in any other case, be liable to such a fine, or to imprisonment for a term not exceeding two months.

(9) The court before which a person is charged with an offence under this section may, whether he is convicted of the offence or not, order that any article in his possession which appears to the court to be an infringing copy, or to be a plate used or intended to be used for making infringing copies, shall be destroyed or delivered up to the owner of the copyright in question or otherwise dealt with as the court may think fit.

(10) An appeal shall lie to a court of quarter sessions from any order made under the last preceding subsection by a court of summary jurisdiction ; and where such an order is made by the sheriff there shall be a like right of appeal against the order as if it were a conviction.

22.—(1) The owner of the copyright in any published literary, dramatic or musical work may give notice in writing to the Commissioners of Customs and Excise (in this section referred to as “the Commissioners”)—

(a) that he is the owner of the copyright in the work, and

(b) that he requests the Commissioners, during a period specified in the notice, to treat as prohibited goods copies of the work to which this section applies :

Provision for restricting importation of printed copies.

**PART III**  
—cont.

Provided that the period specified in a notice under this subsection shall not exceed five years and shall not extend beyond the end of the period for which the copyright is to subsist.

(2) This section applies, in the case of a work, to any printed copy made outside the United Kingdom which, if it had been made in the United Kingdom, would be an infringing copy of the work.

(3) Where a notice has been given under this section in respect of a work, and has not been withdrawn, the importation into the United Kingdom, at a time before the end of the period specified in the notice, of any copy of the work to which this section applies shall, subject to the following provisions of this section, be prohibited :

Provided that this subsection shall not apply to the importation of any article by a person for his private and domestic use.

(4) The Commissioners may make regulations prescribing the form in which notices are to be given under this section, and requiring a person giving such a notice, either at the time of giving the notice or at the time when the goods in question are imported, or at both those times, to furnish the Commissioners with such evidence, and to comply with such other conditions (if any), as may be specified in the regulations ; and any such regulations may include such incidental and supplementary provisions as the Commissioners consider expedient for the purposes of this section.

(5) Without prejudice to the generality of the last preceding subsection, regulations made under that subsection may include provision for requiring a person who has given a notice under subsection (1) of this section, or a notice purporting to be a notice under that subsection,—

- (a) to pay such fees in respect of the notice as may be prescribed by the regulations ;
- (b) to give to the Commissioners such security as may be so prescribed, in respect of any liability or expense which they may incur in consequence of the detention, at any time within the period specified in the notice, of any copy of the work to which the notice relates, or in consequence of anything done in relation to a copy so detained ;
- (c) whether any such security is given or not, to keep the Commissioners indemnified against any such liability or expense as is mentioned in the last preceding paragraph.

(6) For the purposes of section eleven of the Customs and Excise Act, 1952 (which relates to the disposal of duties), any fees paid in pursuance of regulations made under this section shall be treated as money collected on account of customs.

(7) Notwithstanding anything in the Customs and Excise Act, 1952, a person shall not be liable to any penalty under that Act (other than forfeiture of the goods) by reason that any goods are treated as prohibited goods by virtue of this section.

PART III  
—cont.

#### PART IV

##### PERFORMING RIGHT TRIBUNAL

23.—(1) There shall be established a tribunal, to be called the **Establishment of tribunal.**  
Performing Right Tribunal (in this Act referred to as “the tribunal”), for the purpose of exercising the jurisdiction conferred by the provisions of this Part of this Act.

(2) The tribunal shall consist of a chairman appointed by the Lord Chancellor, who shall be a barrister, advocate or solicitor of not less than seven years' standing or a person who has held judicial office, and of not less than two nor more than four other members appointed by the Board of Trade.

(3) A person shall be disqualified for being appointed, or being, a member of the tribunal so long as he is a member of the Commons House of Parliament, or of the Senate or House of Commons of Northern Ireland.

(4) The provisions of the Fourth Schedule to this Act shall have effect with respect to the tribunal.

(5) There shall be paid to the members of the tribunal such remuneration (whether by way of salaries or fees), and such allowances, as the Board of Trade, with the approval of the Treasury, may determine in the case of those members respectively.

(6) The Board of Trade may appoint such officers and servants of the tribunal as the Board, with the approval of the Treasury as to numbers and remuneration, may determine.

(7) The remuneration and allowances of members of the tribunal, the remuneration of any officers and servants appointed under the last preceding subsection, and such other expenses of the tribunal as the Board of Trade with the approval of the Treasury may determine, shall be paid out of moneys provided by Parliament.

24.—(1) Subject to the provisions of this Part of this Act, **General provisions as to jurisdiction of tribunal.**  
the function of the tribunal shall be to determine disputes arising between licensing bodies and persons requiring licences, or organisations claiming to be representative of such persons, either—

- (a) on the reference of a licence scheme to the tribunal, or
- (b) on the application of a person requiring a licence either in accordance with a licence scheme or in a case not covered by a licence scheme.

**PART IV**  
—*cont.*

(2) In this Part of this Act “ licence ” means a licence granted by or on behalf of the owner, or prospective owner, of the copyright in a literary, dramatic or musical work, or in a sound recording or a television broadcast, being—

- (a) in the case of a literary, dramatic or musical work, a licence to perform in public, or to broadcast, the work or an adaptation thereof, or to cause the work or an adaptation thereof to be transmitted to subscribers to a diffusion service ;
- (b) in the case of a sound recording, a licence to cause it to be heard in public, or to broadcast it ;
- (c) in the case of a television broadcast, a licence to cause it, in so far as it consists of visual images, to be seen in public and, in so far as it consists of sounds, to be heard in public.

(3) In this Part of this Act “ licensing body ”—

- (a) in relation to such licences as are mentioned in paragraph (a) of the last preceding subsection, means a society or other organisation which has as its main object, or one of its main objects, the negotiation or granting of such licences, either as owner or prospective owner of copyright or as agent for the owners or prospective owners thereof ;
- (b) in relation to such licences as are mentioned in paragraph (b) of the last preceding subsection, means any owner or prospective owner of copyright in sound recordings, or any person or body of persons acting as agent for any owners or prospective owners of copyright in sound recordings in relation to the negotiation or granting of such licences ; and
- (c) in relation to such licences as are mentioned in paragraph (c) of the last preceding subsection, means the Corporation or the Authority or any organisation appointed by them, or either of them, in accordance with the provisions of the Fifth Schedule to this Act :

Provided that paragraph (a) of this subsection shall not apply to an organisation by reason that its objects include the negotiation or granting of individual licences, each relating to a single work or the works of a single author, if they do not include the negotiation or granting of general licences, each extending to the works of several authors.

(4) In this Part of this Act “ licence scheme ”, in relation to licences of any description, means a scheme made by one or more licensing bodies, setting out the classes of cases in which they, or the persons on whose behalf they act, are willing to grant licences of that description, and the charges (if any), and terms and conditions, subject to which licences would be granted in

those classes of cases ; and in this subsection “ scheme ” includes anything in the nature of a scheme, whether described therein as a scheme or as a tariff or by any other name.

(5) References in this Part of this Act to terms and conditions are references to any terms and conditions other than those relating to the amount of a charge for a licence ; and references to giving an opportunity to a person of presenting his case are references to giving him an opportunity, at his option, of submitting representations in writing, or of being heard, or of submitting representations in writing and being heard.

25.—(1) Where, at any time while a licence scheme is in operation, a dispute arises with respect to the scheme between the licensing body operating the scheme and—

- (a) an organisation claiming to be representative of persons requiring licences in cases of a class to which the scheme applies, or
- (b) any person claiming that he requires a licence in a case of a class to which the scheme applies,

the organisation or person in question may refer the scheme to the tribunal in so far as it relates to cases of that class.

(2) The parties to a reference under this section shall be—

- (a) the organisation or person at whose instance the reference is made ;
- (b) the licensing body operating the scheme to which the reference relates ; and
- (c) such other organisations or persons (if any) as apply to the tribunal to be made parties to the reference and, in accordance with the next following subsection, are made parties thereto.

(3) Where an organisation (whether claiming to be representative of persons requiring licences or not) or a person (whether requiring a licence or not) applies to the tribunal to be made a party to a reference, and the tribunal is satisfied that the organisation or person has a substantial interest in the matter in dispute, the tribunal may, if it thinks fit, make that organisation or person a party to the reference.

(4) The tribunal shall not entertain a reference under this section by an organisation unless the tribunal is satisfied that the organisation is reasonably representative of the class of persons which it claims to represent.

(5) Subject to the last preceding subsection, the tribunal, on any reference under this section, shall consider the matter in dispute, and, after giving to the parties to the reference an opportunity of presenting their cases respectively, shall make such

**PART IV**  
—*cont.*

order, either confirming or varying the scheme, in so far as it relates to cases of the class to which the reference relates, as the tribunal may determine to be reasonable in the circumstances.

(6) An order of the tribunal under this section may, notwithstanding anything contained in the licence scheme to which it relates, be made so as to be in force either indefinitely or for such period as the tribunal may determine.

(7) Where a licence scheme has been referred to the tribunal under this section, then, notwithstanding anything contained in the scheme,—

- (a) the scheme shall remain in operation until the tribunal has made an order in pursuance of the reference, and
- (b) after such an order has been made, the scheme shall remain in operation, in so far as it relates to the class of cases in respect of which the order was made, so long as the order remains in force :

Provided that this subsection shall not apply in relation to a reference as respects any period after the reference has been withdrawn, or has been discharged by virtue of subsection (4) of this section.

Further  
reference of  
scheme to  
tribunal.

26.—(1) Where the tribunal has made an order under the last preceding section with respect to a licence scheme, then, subject to the next following subsection, at any time while the order remains in force,—

- (a) the licensing body operating the scheme, or
- (b) any organisation claiming to be representative of persons requiring licences in cases of the class to which the order applies, or
- (c) any person claiming that he requires a licence in a case of that class,

may refer the scheme again to the tribunal in so far as it relates to cases of that class.

(2) A licence scheme shall not, except with the special leave of the tribunal, be referred again to the tribunal under the preceding subsection at a time earlier than—

- (a) the end of the period of twelve months beginning with the date on which the order in question was made, in the case of an order made so as to be in force indefinitely or for a period exceeding fifteen months, or
- (b) the beginning of the period of three months ending with the date of expiry of the order, in the case of an order made so as to be in force for fifteen months or less.



(3) The parties to a reference under this section shall be—

- (a) the licensing body, organisation or person at whose instance the reference is made ;
- (b) the licensing body operating the scheme to which the reference relates, if the reference is not made at their instance ; and
- (c) such other organisations or persons (if any) as apply to the tribunal to be made parties to the reference and, in accordance with the provisions applicable in that behalf by virtue of subsection (5) of this section, are made parties thereto.

(4) Subject to the next following subsection, the tribunal, on any reference under this section, shall consider the matter in dispute, and, after giving to the parties to the reference an opportunity of presenting their cases respectively, shall make such order in relation to the scheme as previously confirmed or varied, in so far as it relates to cases of the class in question, either by way of confirming, varying or further varying the scheme, as the tribunal may determine to be reasonable in the circumstances.

(5) Subsections (3), (4), (6) and (7) of the last preceding section shall apply for the purposes of this section.

(6) The preceding provisions of this section shall have effect in relation to orders made under this section as they have effect in relation to orders made under the last preceding section.

(7) Nothing in this section shall be construed as preventing a licence scheme, in respect of which an order has been made under the last preceding section, from being again referred to the tribunal under that section, either—

- (a) at any time, in so far as the scheme relates to cases of a class to which the order does not apply, or
- (b) after the expiration of the order, in so far as the scheme relates to cases of the class to which the order applied while it was in force.

27.—(1) For the purposes of this Part of this Act a case shall be taken to be covered by a licence scheme if, in accordance with a licence scheme for the time being in operation, licences would be granted in cases of the class to which that case belongs: Applications to tribunal.

Provided that where, in accordance with the provisions of a licence scheme,—

- (a) the licences which would be so granted would be subject to terms and conditions whereby particular matters would be excepted from the licences, and

**PART IV**  
—cont.

(b) the case in question relates to one or more matters falling within such an exception, that case shall be taken not to be covered by the scheme.

(2) Any person who claims, in a case covered by a licence scheme, that the licensing body operating the scheme have refused or failed to grant him a licence in accordance with the provisions of the scheme, or to procure the grant to him of such a licence, may apply to the tribunal under this section.

(3) Any person who claims that he requires a licence in a case not covered by a licence scheme, and either—

(a) that a licensing body have refused or failed to grant the licence, or to procure the grant thereof, and that in the circumstances it is unreasonable that the licence should not be granted, or

(b) that any charges, terms or conditions subject to which a licensing body propose that the licence should be granted are unreasonable,

may apply to the tribunal under this section.

(4) Where an organisation (whether claiming to be representative of persons requiring licences or not) or a person (whether requiring a licence or not) applies to the tribunal to be made a party to an application under the preceding provisions of this section, and the tribunal is satisfied that the organisation or person has a substantial interest in the matter in dispute, the tribunal may, if it thinks fit, make that organisation or person a party to the application.

(5) On any application under subsection (2) or subsection (3) of this section the tribunal shall give to the applicant and to the licensing body in question and to every other party (if any) to the application an opportunity of presenting their cases respectively; and if the tribunal is satisfied that the claim of the applicant is well-founded, the tribunal shall make an order declaring that, in respect of the matters specified in the order, the applicant is entitled to a licence on such terms and conditions, and subject to the payment of such charges (if any) as—

(a) in the case of an application under subsection (2) of this section, the tribunal may determine to be applicable in accordance with the licence scheme, or

(b) in the case of an application under subsection (3) of this section, the tribunal may determine to be reasonable in the circumstances.

(6) Any reference in this section to a failure to grant or procure the grant of a licence shall be construed as a reference to a failure to grant it, or to procure the grant thereof, within a reasonable time after being requested to do so.

28.—(1) Where, on a reference to the tribunal under this Part of this Act relating to licences to cause works to be transmitted to subscribers to a diffusion service in the United Kingdom, the tribunal is satisfied—

PART IV  
—cont.  
Exercise of jurisdiction of tribunal in relation to diffusion of foreign broadcasts.

- (a) that the licences are required wholly or partly for the purpose of distributing programmes broadcast, from a place outside the United Kingdom, by an organisation other than the Corporation and the Authority, and
- (b) that, under the arrangements in accordance with which the programmes are broadcast by that organisation, charges are payable by or on behalf of the organisation to another body, as being the body entitled under the relevant copyright law to authorise the broadcasting of those works from that place,

the tribunal shall, subject to the next following subsection, exercise its powers under this Part of this Act as the tribunal may consider appropriate for securing that the persons requiring the licences are exempted from the payment of any charges for them in so far as the licences are required for the purpose of distributing those programmes.

(2) If on such a reference as is mentioned in the last preceding subsection the tribunal is satisfied as to the matters mentioned in paragraphs (a) and (b) of that subsection, but it is shown to the satisfaction of the tribunal that the charges payable by or on behalf of the organisation, as mentioned in paragraph (b) of that subsection,—

- (a) make no allowance for the fact that, in consequence of the broadcasting of the works in question by that organisation, the persons requiring the licences may be enabled to cause those works to be transmitted to subscribers to diffusion services in the United Kingdom, or
- (b) do not adequately reflect the extent to which it is likely that those persons will cause those works to be so transmitted in consequence of their being so broadcast,

the last preceding subsection shall not apply, but the tribunal shall exercise its powers under this Part of this Act so as to secure that the charges payable for the licences, in so far as the licences are required for the purpose mentioned in the last preceding subsection, are on a scale not exceeding that appearing to the tribunal to be requisite for making good the deficiency (as mentioned in paragraph (a) or paragraph (b) of this subsection, as the case may be) in the charges payable by or on behalf of the organisation broadcasting the works.

(3) The preceding provisions of this section shall have effect, with the necessary modifications, in relation to applications under this Part of this Act as they have effect in relation to references thereunder.

**PART IV**  
—*cont.*

(4) In this section “ the relevant copyright law ”, in relation to works broadcast from a place outside the United Kingdom, means so much of the laws of the country in which that place is situated as confers rights similar to copyright under this Act or as otherwise relates to such rights ; and any reference to works includes a reference to adaptations thereof.

Effect of orders of tribunal, and supplementary provisions relating thereto.

**29.**—(1) Where an order made on a reference under this Part of this Act with respect to a licence scheme is for the time being in force, any person who, in a case covered by the scheme as confirmed or varied by the order, does anything which—

(a) apart from this subsection would be an infringement of copyright, but

(b) would not be such an infringement if he were the holder of a licence granted in accordance with the scheme, as confirmed or varied by the order, in so far as the scheme relates to cases comprised in the order, shall, if he has complied with the requirements specified in the next following subsection, be in the like position, in any proceedings for infringement of that copyright, as if he had at the material time been the holder of such a licence.

(2) The said requirements are—

(a) that, at all material times, the said person has complied with the terms and conditions which, in accordance with the licence scheme as confirmed or varied by the order, would be applicable to a licence covering the case in question, and

(b) if, in accordance with the scheme as so confirmed or varied, any charges are payable in respect of such a licence, that at the material time he had paid those charges to the licensing body operating the scheme, or, if at that time the amount payable could not be ascertained, he had given an undertaking to the licensing body to pay the charges when ascertained.

(3) Where the tribunal has made an order under section twenty-seven of this Act declaring that a person is entitled to a licence in respect of any matters specified in the order, then if—

(a) that person has complied with the terms and conditions specified in the order, and

(b) in a case where the order requires the payment of charges, he has paid those charges to the licensing body in accordance with the order, or, if the order so provides, has given to the licensing body an undertaking to pay the charges when ascertained,

he shall be in the like position, in any proceedings for infringement of copyright relating to any of those matters, as if he had

at all material times been the holder of a licence granted by the owner of the copyright in question on the terms and conditions specified in the order.

(4) In the exercise of its jurisdiction in respect of licences relating to television broadcasts, the tribunal shall have regard (among other matters) to any conditions imposed by the promoters of any entertainment or other event which is to be comprised in the broadcasts; and, in particular, the tribunal shall not hold a refusal or failure to grant a licence to be unreasonable if it could not have been granted consistently with those conditions:

Provided that nothing in this subsection shall require the tribunal to have regard to any such conditions in so far as they purport to regulate the charges to be imposed in respect of the grant of licences, or in so far as they relate to payments to be made to the promoters of any event in consideration of the grant of facilities for broadcasting.

(5) Where, on a reference to the tribunal under this Part of this Act,—

- (a) the reference relates to licences in respect of copyright in sound recordings or in television broadcasts, and
- (b) the tribunal is satisfied that any of the licences in question are required for the purposes of organisations such as are mentioned in paragraph (b) of subsection (7) of section twelve of this Act,

the tribunal may, if it thinks fit, exercise its powers under this Part of this Act so as to reduce, in the case of those organisations, to such extent as the tribunal thinks fit, the charges which it determines generally to be reasonable in relation to cases of the class to which the reference relates, or, if it thinks fit, so as to exempt those organisations from the payment of any such charges.

(6) The last preceding subsection shall have effect, with the necessary modifications, in relation to applications under this Part of this Act as it has effect in relation to references thereunder.

(7) In relation to copyright in a literary, dramatic or musical work, any reference in this section to proceedings for infringement of copyright includes a reference to proceedings brought by virtue of subsection (5) of section twenty-one of this Act.

30.—(1) Any question of law arising in the course of proceedings before the tribunal may, at the request of any party to the proceedings, be referred by the tribunal to the court for decision, whether before or after the tribunal has given its decision in the proceedings:

Reference  
of questions  
of law to  
the court.

**PART IV**  
—cont.

Provided that a question shall not be referred to the court by virtue of this subsection in pursuance of a request made after the date on which the tribunal gave its decision, unless the request is made before the end of such period as may be prescribed by rules made under the Fourth Schedule to this Act.

(2) If the tribunal, after giving its decision in any proceedings, refuses any such request to refer a question to the court, the party by whom the request was made may, within such period as may be prescribed by rules of court, apply to the court for an order directing the tribunal to refer the question to the court.

(3) On any reference to the court under this section with respect to any proceedings before the tribunal, and on any application under the last preceding subsection with respect to any such proceedings, every party to the proceedings before the tribunal shall be entitled to appear and to be heard.

(4) Where, after the tribunal has given its decision in any proceedings, the tribunal refers to the court under this section a question of law which arose in the course of the proceedings, and the court decides that the question was erroneously determined by the tribunal,—

(a) the tribunal, if it considers it requisite to do so for the purpose of giving effect to the decision of the court, shall give to the parties to the proceedings a further opportunity of presenting their cases respectively ;

(b) in any event, the tribunal shall reconsider the matter in dispute in conformity with the decision of the court ;

(c) if on such reconsideration it appears to the tribunal to be appropriate to do so, the tribunal shall make such order revoking or modifying any order previously made by it in the proceedings, or, in the case of proceedings under section twenty-seven of this Act where the tribunal refused to make an order, shall make such order under that section, as on such reconsideration the tribunal determines to be appropriate.

(5) Any reference of a question by the tribunal to the court under this section shall be by way of stating a case for the opinion of the court ; and the decision of the court on any such reference shall be final.

(6) In this section “ the court ”—

(a) in relation to any proceedings of the tribunal in England or Wales, or in Northern Ireland, means the High Court ; and

(b) in relation to any proceedings of the tribunal in Scotland, means the Court of Session.

## PART V

## EXTENSION OR RESTRICTION OF OPERATION OF ACT

**31.**—(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, subject to such exceptions and modifications (if any) as may be specified in the Order, to—

Extension of Act to Isle of Man, Channel Islands, colonies and dependencies.

- (a) the Isle of Man ;
- (b) any of the Channel Islands ;
- (c) any colony ;
- (d) any country outside Her Majesty's dominions in which for the time being Her Majesty has jurisdiction ;
- (e) any country consisting partly of one or more colonies and partly of one or more such countries as are mentioned in the last preceding paragraph.

(2) The powers conferred by the preceding subsection shall be exercisable in relation to any Order in Council made under the following provisions of this Part of this Act, as those powers are exercisable by virtue of that subsection in relation to the provisions of this Act.

(3) The legislature of any country to which any provisions of this Act have been extended may modify or add to those provisions, in their operation as part of the law of that country, in such manner as that legislature may consider necessary to adapt the provisions to the circumstances of that country :

Provided that no such modifications or additions, except in so far as they relate to procedure and remedies, shall be made so as to apply to any work or other subject-matter in which copyright can subsist unless—

- (a) in the case of a literary, dramatic, musical or artistic work, the author of the work, or, in the case of a sound recording or a cinematograph film, the maker of the recording or film, was domiciled or resident in that country at the time when, or during the period while, the work, recording or film was made, or
- (b) in the case of a published edition of a literary, dramatic or musical work, the publisher of the edition was domiciled or resident in that country at the date of its first publication, or
- (c) in the case of a literary, dramatic, musical or artistic work, or of a sound recording or a cinematograph film or a published edition, it was first published in that country, or
- (d) in the case of a television broadcast or sound broadcast, it was made from a place in that country.

**PART V**  
—*cont.*

(4) For the purposes of any proceedings under this Act in the United Kingdom, where the proceedings relate to an act done in a country to which any provisions of this Act extend subject to exceptions, modifications or additions,—

- (a) the procedure applicable to the proceedings, including the time within which they may be brought, and the remedies available therein, shall be in accordance with this Act in its operation as part of the law of the United Kingdom ; but
- (b) if the act in question does not constitute an infringement of copyright under this Act in its operation as part of the law of the country where the act was done, it shall (notwithstanding anything in this Act) be treated as not constituting an infringement of copyright under this Act in its operation as part of the law of the United Kingdom.

**Application  
of Act to  
countries to  
which it does  
not extend.**

**32.—**(1) Her Majesty may by Order in Council make provision for applying any of the provisions of this Act specified in the Order, in the case of a country to which those provisions do not extend, in any one or more of the following ways, that is to say, so as to secure that those provisions—

- (a) apply in relation to literary, dramatic, musical or artistic works, sound recordings, cinematograph films or editions first published in that country as they apply in relation to literary, dramatic, musical or artistic works, sound recordings, cinematograph films or editions first published in the United Kingdom ;
- (b) apply in relation to persons who, at a material time, are citizens or subjects of that country as they apply in relation to persons who, at such a time, are British subjects ;
- (c) apply in relation to persons who, at a material time, are domiciled or resident in that country as they apply in relation to persons who, at such a time, are domiciled or resident in the United Kingdom ;
- (d) apply in relation to bodies incorporated under the laws of that country as they apply in relation to bodies incorporated under the laws of any part of the United Kingdom ;
- (e) apply in relation to television broadcasts and sound broadcasts made from places in that country, by one or more organisations constituted in, or under the laws of, that country, as they apply in relation to television broadcasts and sound broadcasts made from places in the United Kingdom by the Corporation or the Authority.



**(2) An Order in Council under this section—**

- (a) may apply the provisions in question as mentioned in the preceding subsection, but subject to exceptions or modifications specified in the Order ;
- (b) may direct that the provisions in question shall so apply either generally or in relation to such classes of works, or other classes of cases, as may be specified in the Order.

(3) Her Majesty shall not make an Order in Council under this section applying any of the provisions of this Act in the case of a country, other than a country which is a party to a Convention relating to copyright to which the United Kingdom is also a party, unless Her Majesty is satisfied that, in respect of the class of works or other subject-matter to which those provisions relate, provision has been or will be made under the laws of that country whereby adequate protection will be given to owners of copyright under this Act.

**33.—(1)** Where it appears to Her Majesty that one or more sovereign Powers, or the government or governments thereof, are members of an organisation, and that it is expedient that the provisions of this section should apply to that organisation, Her Majesty may by Order in Council declare that the organisation is one to which this section applies.

**Provisions as to international organisations.**

(2) Where an original literary, dramatic, musical or artistic work is made by or under the direction or control of an organisation to which this section applies in such circumstances that—

- (a) copyright would not subsist in the work apart from this subsection, but
- (b) if the author of the work had been a British subject at the time when it was made, copyright would have subsisted in the work immediately after it was made and would thereupon have vested in the organisation,

copyright shall subsist in the work as if the author had been a British subject when it was made, that copyright shall continue to subsist so long as the work remains unpublished, and the organisation shall, subject to the provisions of this Act, be entitled to that copyright.

(3) Where an original literary, dramatic, musical or artistic work is first published by or under the direction or control of an organisation to which this section applies, in such circumstances that, apart from this subsection, copyright does not subsist in the work immediately after the first publication thereof, and either—

- (a) the work is so published in pursuance of an agreement with the author which does not reserve to the author the copyright (if any) in the work, or

**PART V**  
**—cont.**

**PART V**  
—cont.

(b) the work was made in such circumstances that, if it had been first published in the United Kingdom, the organisation would have been entitled to the copyright in the work,

copyright shall subsist in the work (or, if copyright in the work subsisted immediately before its first publication, shall continue to subsist) as if it had been first published in the United Kingdom, that copyright shall subsist until the end of the period of fifty years from the end of the calendar year in which the work was first published, and the organisation shall, subject to the provisions of Part VI of this Act, be entitled to that copyright.

(4) The provisions of Part I of this Act, with the exception of provisions thereof relating to the subsistence, duration or ownership of copyright, shall apply in relation to copyright subsisting by virtue of this section as they apply in relation to copyright subsisting by virtue of the said Part I.

(5) An organisation to which this section applies which otherwise has not, or at some material time otherwise had not, the legal capacities of a body corporate shall have, and shall be deemed at all material times to have had, the legal capacities of a body corporate for the purpose of holding, dealing with and enforcing copyright and in connection with all legal proceedings relating to copyright.

Extended application of provisions relating to broadcasts.

**34.** Her Majesty may by Order in Council provide that, subject to such exceptions and modifications (if any) as may be specified in the Order, such provisions of this Act relating to television broadcasts or to sound broadcasts as may be so specified shall apply in relation to the operation of wireless telegraphy apparatus by way of the emission (as opposed to reception) of electro-magnetic energy—

(a) by such persons or classes of persons, other than the Corporation and the Authority, as may be specified in the Order, and

(b) for such purposes (whether involving broadcasting or not) as may be so specified,

as they apply in relation to television broadcasts, or, as the case may be, to sound broadcasts, made by the Corporation and the Authority.

Denial of copyright to citizens of countries not giving adequate protection to British works.

**35.**—(1) If it appears to Her Majesty that the laws of a country fail to give adequate protection to British works to which this section applies, or fail to give such protection in the case of one or more classes of such works (whether the lack of protection relates to the nature of the work or the country of its author or both), Her Majesty may make an Order in Council designating that country and making such provision in relation thereto as is mentioned in the following provisions of this section.

(2) An Order in Council under this section shall provide that, either generally or in such classes of cases as are specified in the Order, copyright under this Act shall not subsist in works to which this section applies which were first published after a date specified in the Order, if at the time of their first publication the authors thereof were—

- (a) citizens or subjects of the country designated by the Order, not being at that time persons domiciled or resident in the United Kingdom or in another country to which the relevant provision of this Act extends, or
- (b) bodies incorporated under the laws of the country designated by the Order.

(3) In making an Order in Council under this section Her Majesty shall have regard to the nature and extent of the lack of protection for British works in consequence of which the Order is made.

(4) This section applies to the following works, that is to say, literary, dramatic, musical and artistic works, sound recordings and cinematograph films.

(5) In this section—

- “British work” means a work of which the author, at the time when the work was made, was a qualified person for the purposes of the relevant provision of this Act ;
- “author”, in relation to a sound recording or a cinematograph film, means the maker of the recording or film ;
- “the relevant provision of this Act”, in relation to literary, dramatic and musical works means section two, in relation to artistic works means section three, in relation to sound recordings means section twelve, and in relation to cinematograph films means section thirteen, of this Act.

## PART VI

### MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

36.—(1) Subject to the provisions of this section, copyright shall be transmissible by assignment, by testamentary disposition, or by operation of law, as personal or moveable property. Assignments and licences in respect of copyright.

(2) An assignment of copyright may be limited in any of the following ways, or in any combination of two or more of those ways, that is to say,—

- (a) so as to apply to one or more, but not all, of the classes of acts which by virtue of this Act the owner of the copyright has the exclusive right to do (including any

**PART VI**  
—*cons.*

one or more classes of acts not separately designated in this Act as being restricted by the copyright, but falling within any of the classes of acts so designated);

- (b) so as to apply to any one or more, but not all, of the countries in relation to which the owner of the copyright has by virtue of this Act that exclusive right;
- (c) so as to apply to part, but not the whole, of the period for which the copyright is to subsist;

and references in this Act to a partial assignment are references to an assignment so limited.

(3) No assignment of copyright (whether total or partial) shall have effect unless it is in writing signed by or on behalf of the assignor.

(4) A licence granted in respect of any copyright by the person who, in relation to the matters to which the licence relates, is the owner of the copyright shall be binding upon every successor in title to his interest in the copyright, except a purchaser in good faith for valuable consideration and without notice (actual or constructive) of the licence or a person deriving title from such a purchaser; and references in this Act, in relation to any copyright, to the doing of anything with, or (as the case may be) without, the licence of the owner of the copyright shall be construed accordingly.

**Prospective  
ownership of  
copyright.**

**37.—(1)** Where by an agreement made in relation to any future copyright, and signed by or on behalf of the prospective owner of the copyright, the prospective owner purports to assign the future copyright (wholly or partially) to another person (in this subsection referred to as “the assignee”), then if, on the coming into existence of the copyright, the assignee or a person claiming under him would, apart from this subsection, be entitled as against all other persons to require the copyright to be vested in him (wholly or partially, as the case may be), the copyright shall, on its coming into existence, vest in the assignee or his successor in title accordingly by virtue of this subsection and without further assurance.

(2) Where, at the time when any copyright comes into existence, the person who, if he were then living, would be entitled to the copyright is dead, the copyright shall devolve as if it had subsisted immediately before his death and he had then been the owner of the copyright.

(3) Subsection (4) of the last preceding section shall apply in relation to a licence granted by a prospective owner of any copyright as it applies in relation to a licence granted by the owner of a subsisting copyright, as if any reference in that subsection to the owner’s interest in the copyright included a reference to his prospective interest therein.

(4) The provisions of the Fifth Schedule to this Act shall have effect with respect to assignments and licences in respect of copyright (including future copyright) in television broadcasts.

PART VI  
—cont.

(5) In this Act “future copyright” means copyright which will or may come into existence in respect of any future work or class of works or other subject-matter, or on the coming into operation of any provisions of this Act, or in any other future event, and “prospective owner” shall be construed accordingly and, in relation to any such copyright, includes a person prospectively entitled thereto by virtue of such an agreement as is mentioned in subsection (1) of this section.

38. Where under a bequest (whether specific or general) a person is entitled, beneficially or otherwise, to the manuscript of a literary, dramatic or musical work, or to an artistic work, and the work was not published before the death of the testator, the bequest shall, unless a contrary intention is indicated in the testator’s will or a codicil thereto, be construed as including the copyright in the work in so far as the testator was the owner of the copyright immediately before his death.

Copyright to pass under will with unpublished work.

39.—(1) In the case of every original literary, dramatic, musical or artistic work made by or under the direction or control of Her Majesty or a Government department,—

Provisions as to Crown and Government departments.

- (a) if apart from this section copyright would not subsist in the work, copyright shall subsist therein by virtue of this subsection, and
- (b) in any case, Her Majesty shall, subject to the provisions of this Part of this Act, be entitled to the copyright in the work.

(2) Her Majesty shall, subject to the provisions of this Part of this Act, be entitled—

- (a) to the copyright in every original literary, dramatic or musical work first published in the United Kingdom, or in another country to which section two of this Act extends, if first published by or under the direction or control of Her Majesty or a Government department ;
- (b) to the copyright in every original artistic work first published in the United Kingdom, or in another country to which section three of this Act extends, if first published by or under such direction or control.

(3) Copyright in a literary, dramatic or musical work, to which Her Majesty is entitled in accordance with either of the preceding subsections,—

- (a) where the work is unpublished, shall continue to subsist so long as the work remains unpublished, and

PART VI  
—cont.

(b) where the work is published, shall subsist (or, if copyright in the work subsisted immediately before its first publication, shall continue to subsist) until the end of the period of fifty years from the end of the calendar year in which the work was first published, and shall then expire.

(4) Copyright in an artistic work to which Her Majesty is entitled in accordance with the preceding provisions of this section shall continue to subsist until the end of the period of fifty years from the end of the calendar year in which the work was made, and shall then expire:

Provided that where the work in question is an engraving or a photograph, the copyright shall continue to subsist until the end of the period of fifty years from the end of the calendar year in which the engraving or photograph is first published.

(5) In the case of every sound recording or cinematograph film made by or under the direction or control of Her Majesty or a Government department,—

(a) if apart from this section copyright would not subsist in the recording or film, copyright shall subsist therein by virtue of this subsection, and

(b) in any case, Her Majesty shall, subject to the provisions of this Part of this Act, be entitled to the copyright in the recording or film, and it shall subsist for the same period as if it were copyright subsisting by virtue of, and owned in accordance with, section twelve or, as the case may be, section thirteen of this Act.

(6) The preceding provisions of this section shall have effect subject to any agreement made by or on behalf of Her Majesty or a Government department with the author of the work, or the maker of the sound recording or cinematograph film, as the case may be, whereby it is agreed that the copyright in the work, recording or film shall vest in the author or maker, or in another person designated in the agreement in that behalf.

(7) In relation to copyright subsisting by virtue of this section—

(a) in the case of a literary, dramatic, musical or artistic work, the provisions of Part I of this Act, with the exception of provisions thereof relating to the subsistence, duration or ownership of copyright, and

(b) in the case of a sound recording or cinematograph film, the provisions of Part II of this Act, with the exception of provisions thereof relating to the subsistence or ownership of copyright,

shall apply as those provisions apply in relation to copyright subsisting by virtue of Part I or, as the case may be, Part II of this Act.

PART VI  
—cont.

(8) For the avoidance of doubt, it is hereby declared that the provisions of section three of the Crown Proceedings Act, 1947 (which relates to infringements of industrial property by servants or agents of the Crown) apply to copyright under this Act.

(9) In this section "Government department" means any department of Her Majesty's Government in the United Kingdom or of the Government of Northern Ireland, or any department or agency of the Government of any other country to which this section extends.

40.—(1) Where a sound broadcast or television broadcast is made by the Corporation or the Authority, and a person, by the reception of that broadcast, causes a sound recording to be heard in public, he does not thereby infringe the copyright (if any) in that recording under section twelve of this Act.

Broadcasts of sound recordings and cinematograph films, and diffusion of broadcast programmes.

(2) Where a television broadcast or sound broadcast is made by the Corporation or the Authority, and the broadcast is an authorised broadcast, any person who, by the reception of the broadcast, causes a cinematograph film to be seen or heard in public shall be in the like position, in any proceedings for infringement of the copyright (if any) in the film under section thirteen of this Act, as if he had been the holder of a licence granted by the owner of that copyright to cause the film to be seen or heard in public by the reception of the broadcast.

(3) Where a television broadcast or sound broadcast is made by the Corporation or the Authority, and the broadcast is an authorised broadcast, any person who, by the reception of the broadcast, causes a programme to be transmitted to subscribers to a diffusion service, being a programme comprising a literary, dramatic or musical work, or an adaptation of such a work, or an artistic work, or a cinematograph film, shall be in the like position, in any proceedings for infringement of the copyright (if any) in the work or film, as if he had been the holder of a licence granted by the owner of that copyright to include the work, adaptation or film in any programme caused to be transmitted by him to subscribers to that service by the reception of the broadcast.

(4) If, in the circumstances mentioned in either of the two last preceding subsections, the person causing the cinematograph film to be seen or heard, or the programme to be transmitted, as the case may be, infringed the copyright in question, by reason that the broadcast was not an authorised broadcast,—

(a) no proceedings shall be brought against that person under this Act in respect of his infringement of that copyright, but

**PART VI**  
—*cont.*

(b) it shall be taken into account in assessing damages in any proceedings against the Corporation or the Authority, as the case may be, in respect of that copyright, in so far as that copyright was infringed by them in making the broadcast.

(5) For the purposes of this section, a broadcast shall be taken, in relation to a work or cinematograph film, to be an authorised broadcast if, but only if, it is made by, or with the licence of, the owner of the copyright in the work or film.

**Use of  
copyright  
material for  
education.**

**41.**—(1) Where copyright subsists in a literary, dramatic, musical or artistic work, the copyright shall not be taken to be infringed by reason only that the work is reproduced, or an adaptation of the work is made or reproduced,—

(a) in the course of instruction, whether at a school or elsewhere, where the reproduction or adaptation is made by a teacher or pupil otherwise than by the use of a duplicating process, or

(b) as part of the questions to be answered in an examination, or in an answer to such a question.

(2) Nothing in the preceding subsection shall apply to the publication of a work or of an adaptation of a work; and, for the purposes of section five of this Act, the fact that to a person's knowledge the making of an article would have constituted an infringement of copyright but for the preceding subsection shall have the like effect as if, to his knowledge, the making of it had constituted such an infringement.

(3) For the avoidance of doubt it is hereby declared that, where a literary, dramatic or musical work—

(a) is performed in class, or otherwise in the presence of an audience, and

(b) is so performed in the course of the activities of a school, by a person who is a teacher in, or a pupil in attendance at, the school,

the performance shall not be taken for the purposes of this Act to be a performance in public if the audience is limited to persons who are teachers in, or pupils in attendance at, the school, or are otherwise directly connected with the activities of the school.

(4) For the purposes of the last preceding subsection a person shall not be taken to be directly connected with the activities of a school by reason only that he is a parent or guardian of a pupil in attendance at the school.

(5) The two last preceding subsections shall apply in relation to sound recordings, cinematograph films and television broadcasts as they apply in relation to literary, dramatic and musical



works, as if any reference to performance were a reference to the act of causing the sounds or visual images in question to be heard or seen.

PART VI  
—cont.

(6) Nothing in this section shall be construed—

- (a) as extending the operation of any provision of this Act as to the acts restricted by copyright of any description, or
- (b) as derogating from the operation of any exemption conferred by any provision of this Act other than this section.

(7) In this section “ school ”—

- (a) in relation to England and Wales, has the same meaning as in the Education Act, 1944 ;
- (b) in relation to Scotland, has the same meaning as in the Education (Scotland) Act, 1946, except that it includes an approved school within the meaning of the Children and Young Persons (Scotland) Act, 1937 ; and
- (c) in relation to Northern Ireland, has the same meaning as in the Education Act (Northern Ireland), 1947 ;

and “ duplicating process ” means any process involving the use of an appliance for producing multiple copies.

42.—(1) Where any work in which copyright subsists, or a reproduction of any such work, is comprised in—

Special provisions as to public records.

- (a) any records belonging to Her Majesty which are under the charge and superintendence of the Master of the Rolls by virtue of an Order in Council under section two of the Public Record Office Act, 1838, and are open to public inspection in accordance with rules made under that Act, or
- (b) any public records to which the Public Records Act (Northern Ireland), 1923, applies, being records which are open to public inspection in accordance with rules made under that Act,

the copyright in the work is not infringed by the making, or the supplying to any person, of any reproduction of the work by or under the direction of any officer appointed under the said Act of 1838 or the said Act of 1923, as the case may be.

(2) In the preceding subsection “ records ”—

- (a) in paragraph (a) of that subsection has the same meaning as in the Public Record Office Act, 1838 ;
- (b) in paragraph (b) of that subsection has the same meaning as in the Public Records Act (Northern Ireland), 1923.

(3) Any reference in this section to the Public Records Act (Northern Ireland), 1923, shall be construed as including a

**PART VI**  
—*cont.*

reference to that Act as for the time being amended or re-enacted (with or without modifications) by any enactment of the Parliament of Northern Ireland.

**False  
attribution  
of authorship.**

**43.—(1)** The restrictions imposed by this section shall have effect in relation to literary, dramatic, musical or artistic works ; and any reference in this section to a work shall be construed as a reference to such a work.

(2) A person (in this subsection referred to as “ the offender ”) contravenes those restrictions as respects another person if, without the licence of that other person, he does any of the following acts in the United Kingdom, that is to say, he—

- (a) inserts or affixes that other person’s name in or on a work of which that person is not the author, or in or on a reproduction of such a work, in such a way as to imply that the other person is the author of the work, or
- (b) publishes, or sells or lets for hire, or by way of trade offers or exposes for sale or hire, or by way of trade exhibits in public, a work in or on which the other person’s name has been so inserted or affixed, if to the offender’s knowledge that person is not the author of the work, or
- (c) does any of the acts mentioned in the last preceding paragraph in relation to, or distributes, reproductions of a work, being reproductions in or on which the other person’s name has been so inserted or affixed, if to the offender’s knowledge that person is not the author of the work, or
- (d) performs in public, or broadcasts, a work of which the other person is not the author, as being a work of which he is the author, if to the offender’s knowledge that person is not the author of the work.

(3) The last preceding subsection shall apply where, contrary to the fact, a work is represented as being an adaptation of the work of another person as it applies where a work is so represented as being the work of another person.

(4) In the case of an artistic work which has been altered after the author parted with the possession of it, the said restrictions are contravened, in relation to the author, by a person who in the United Kingdom, without the licence of the author,—

- (a) publishes, sells or lets for hire, or by way of trade offers or exposes for sale or hire the work as so altered, as being the unaltered work of the author, or

- (b) publishes, sells or lets for hire, or by way of trade offers or exposes for sale or hire a reproduction of the work as so altered, as being a reproduction of the unaltered work of the author,

if to his knowledge it is not the unaltered work, or, as the case may be, a reproduction of the unaltered work, of the author.

(5) The three last preceding subsections shall apply with respect to anything done in relation to another person after that person's death, as if any reference to that person's licence were a reference to a licence given by him or by his personal representatives :

Provided that nothing in those subsections shall apply to anything done in relation to a person more than twenty years after that person's death.

(6) In the case of an artistic work in which copyright subsists, the said restrictions are also contravened, in relation to the author of the work, by a person who in the United Kingdom—

- (a) publishes, or sells or lets for hire, or by way of trade offers or exposes for sale or hire, or by way of trade exhibits in public, a reproduction of the work, as being a reproduction made by the author of the work, or  
(b) distributes reproductions of the work as being reproductions made by the author of the work,

if (in any such case) the reproduction or reproductions was or were to his knowledge not made by the author.

(7) The preceding provisions of this section shall apply (with the necessary modifications) with respect to acts done in relation to two or more persons in connection with the same work.

(8) The restrictions imposed by this section shall not be enforceable by any criminal proceedings ; but any contravention of those restrictions, in relation to a person, shall be actionable at his suit, or, if he is dead, at the suit of his personal representatives, as a breach of statutory duty.

(9) Any damages recovered under this section by personal representatives, in respect of a contravention committed in relation to a person after his death, shall devolve as part of his estate, as if the right of action had subsisted and had been vested in him immediately before his death.

(10) Nothing in this section shall derogate from any right of action or other remedy (whether civil or criminal) in proceedings instituted otherwise than by virtue of this section :

Provided that this subsection shall not be construed as requiring any damages recovered by virtue of this section to be

**PART VI**  
—*cont.*

disregarded in assessing damages in any proceedings instituted otherwise than by virtue of this section and arising out of the same transaction.

(11) In this section “ name ” includes initials or a monogram.

**Amendments  
of Registered  
Designs Act,  
1949.**

**44.**—(1) In section six of the Registered Designs Act, 1949, (under which the disclosure of a design in certain circumstances is not to be a reason for refusing registration), the following subsections shall be inserted after subsection (3):—

“ (4) Where copyright under the Copyright Act, 1956, subsists in an artistic work, and an application is made by, or with the consent of, the owner of that copyright for the registration of a corresponding design, that design shall not be treated for the purposes of this Act as being other than new or original by reason only of any use previously made of the artistic work, unless—

(a) the previous use consisted of or included the sale, letting for hire, or offer for sale or hire of articles to which the design in question (or a design differing from it only as mentioned in subsection (2) of section one of this Act) had been applied industrially, other than articles of a description specified in rules made under subsection (4) of section one of this Act, and

(b) that previous use was made by, or with the consent of, the owner of the copyright in the artistic work.

(5) Any rules made by virtue of subsection (5) of section ten of the Copyright Act, 1956 (which relates to rules for determining the circumstances in which a design is to be taken to be applied industrially) shall apply for the purposes of the last foregoing subsection.”

(2) The following subsection shall be added at the end of section eight of the said Act of 1949 (which relates to the period of copyright in registered designs):—

“ (3) Where in the case of a registered design it is shown—

(a) that the design, at the time when it was registered, was a corresponding design in relation to an artistic work in which copyright subsisted under the Copyright Act, 1956 ;

(b) that, by reason of a previous use of that artistic work, the design would not have been registrable under this Act but for subsection (4) of section six of this Act ; and

(c) that the copyright in that work under the Copyright Act, 1956, expired before the date of expiry of the copyright in the design,

the copyright in the design shall, notwithstanding anything in this section, be deemed to have expired at the same time as the copyright in the artistic work, and shall not be renewable after that time."

PART VI  
—cont.

(3) In section eleven of the said Act of 1949 (which relates to cancellation of the registration of designs), the following subsection shall be inserted after subsection (2):—

"(2A) At any time after a design has been registered, any person interested may apply to the registrar for the cancellation of the registration of the design on the grounds—

- (a) that the design, at the time when it was registered, was a corresponding design in relation to an artistic work in which copyright subsisted under the Copyright Act, 1956 ;
- (b) that, by reason of a previous use of that artistic work, the design would not have been registrable under this Act but for subsection (4) of section six of this Act ; and
- (c) that the copyright in that work under the Copyright Act, 1956, has expired ;

and the registrar may make such order on the application as he thinks fit."

(4) In subsection (3) of the said section eleven, for the words "the last foregoing subsection" there shall be substituted the words "either of the two last foregoing subsections".

(5) In subsection (1) of section forty-four of the said Act of 1949 (which relates to the interpretation of that Act)—

- (a) after the definition of "article" there shall be inserted the words "'artistic work' has the same meaning as in the Copyright Act, 1956" ; and
- (b) after the definition of "copyright" there shall be inserted the words "'corresponding design' has the same meaning as in section ten of the Copyright Act, 1956".

45. In the Dramatic and Musical Performers' Protection Act, 1925,—

- (a) after section one there shall be inserted the two sections set out in Part I of the Sixth Schedule to this Act ; and
- (b) after section three there shall be inserted the two sections set out in Part II of that Schedule ;

Amendment  
of Dramatic  
and Musical  
Performers'  
Protection  
Act, 1925.

and the provisions of that Act specified in Part III of that Schedule shall have effect subject to the amendments set out in relation thereto in the second column of the said Part III (being

PART VI  
—cont.

minor amendments of that Act and amendments consequential upon the insertion therein of the sections referred to in paragraphs (a) and (b) of this section).

Savings.

46.—(1) Any rights conferred on universities and colleges by the Copyright Act, 1775, which continued to subsist in accordance with section thirty-three of the Copyright Act, 1911, notwithstanding the repeal of the said Act of 1775, shall continue to subsist in accordance with the said Act of 1775 notwithstanding any repeal effected by this Act:

Provided that no proceedings shall be brought under the Copyright Act, 1775, but the provisions of Part III of this Act shall apply for the enforcement of those rights as if they were copyright subsisting by virtue of this Act.

(2) Nothing in this Act shall affect any right or privilege of the Crown subsisting otherwise than by virtue of an enactment; and nothing in this Act shall affect any right or privilege of the Crown or of any other person under any enactment (including any enactment of the Parliament of Northern Ireland), except in so far as that enactment is expressly repealed, amended or modified by this Act.

(3) Nothing in this Act shall affect the right of the Crown or of any person deriving title from the Crown to sell, use or otherwise deal with articles forfeited under the laws relating to customs or excise, including any article so forfeited by virtue of this Act or of any enactment repealed by this Act.

(4) Nothing in this Act shall affect the operation of any rule of equity relating to breaches of trust or confidence.

(5) Subject to the preceding provisions of this section, no copyright, or right in the nature of copyright, shall subsist otherwise than by virtue of this Act or of some other enactment in that behalf.

General provisions as to Orders in Council, regulations, rules and orders, and as to Board of Trade.

47.—(1) Any power to make regulations, rules or orders under this Act shall be exercisable by statutory instrument.

(2) Any statutory instrument containing—

(a) any Order in Council or regulations made under this Act, or

(b) any rules made by the Lord Chancellor under the Fourth Schedule to 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 of the preceding provisions 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 or rules is conferred by any provision of this Act, regulations or rules under that power may be made either as respects all, or as respects any one or more, of the matters to which the provision relates; and different provision may be made by any such regulations or rules as respects different classes of cases to which the regulations or rules apply.

(5) 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 of Trade, any Minister of State with duties concerning the affairs of the Board, any secretary, under-secretary or assistant secretary of the Board, or any person authorised in that behalf by the President.

(6) In this section "order" does not include an order of a court or of the tribunal.

PART VI  
—cont.

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

- "adaptation", in relation to a literary, dramatic or musical work, has the meaning assigned to it by section two of this Act;
- "artistic work" has the meaning assigned to it by section three of this Act;
- "assignment", in relation to Scotland, means an assignation;
- "building" includes any structure;
- "cinematograph film" has the meaning assigned to it by section thirteen of this Act;
- "construction" includes erection, and references to reconstruction shall be construed accordingly;
- "the Corporation" and "the Authority" have the meanings assigned to them by section fourteen of this Act;
- "country" includes any territory;
- "dramatic work" includes a choreographic work or entertainment in dumb show if reduced to writing in the form in which the work or entertainment is to be presented, but does not include a cinematograph film, as distinct from a scenario or script for a cinematograph film;
- "drawing" includes any diagram, map, chart or plan;
- "engraving" includes any etching, lithograph, woodcut, print or similar work, not being a photograph;

Interpretation.

**PART VI**  
**—cont.**

- “future copyright” and “prospective owner” have the meanings assigned to them by section thirty-seven of this Act ;
- “judicial proceeding” means a proceeding before any court, tribunal or person having by law power to hear, receive and examine evidence on oath ;
- “literary work” includes any written table or compilation ;
- “manuscript”, in relation to a work, means the original document embodying the work, whether written by hand or not ;
- “performance” includes delivery, in relation to lectures, addresses, speeches and sermons, and in general, subject to the provisions of subsection (5) of this section, includes any mode of visual or acoustic presentation, including any such presentation by the operation of wireless telegraphy apparatus, or by the exhibition of a cinematograph film, or by the use of a record, or by any other means, and references to performing a work or an adaptation of a work shall be construed accordingly ;
- “photograph” means any product of photography or of any process akin to photography, other than a part of a cinematograph film, and “author”, in relation to a photograph, means the person who, at the time when the photograph is taken, is the owner of the material on which it is taken ;
- “qualified person” has the meaning assigned to it by section one of this Act ;
- “record” means any disc, tape, perforated roll or other device in which sounds are embodied so as to be capable (with or without the aid of some other instrument) of being automatically reproduced therefrom, and references to a record of a work or other subject-matter are references to a record (as herein defined) by means of which it can be performed ;
- “reproduction”, in the case of a literary, dramatic or musical work, includes a reproduction in the form of a record or of a cinematograph film, and, in the case of an artistic work, includes a version produced by converting the work into a three-dimensional form, or, if it is in three dimensions, by converting it into a two-dimensional form, and references to reproducing a work shall be construed accordingly ;
- “sculpture” includes any cast or model made for purposes of sculpture ;



“ sound recording ” has the meaning assigned to it by section twelve of this Act ;

“ sufficient acknowledgment ” has the meaning assigned to it by section six of this Act ;

“ television broadcast ” and “ sound broadcast ” have the meanings assigned to them by section fourteen of this Act ;

“ wireless telegraphy apparatus ” has the same meaning as in the Wireless Telegraphy Act, 1949 ;

“ work of joint authorship ” has the meaning assigned to it by section eleven of this Act ;

“ writing ” includes any form of notation, whether by hand or by printing, typewriting or any similar process.

(2) References in this Act to broadcasting are references to broadcasting by wireless telegraphy (within the meaning of the Wireless Telegraphy Act, 1949), whether by way of sound broadcasting or of television.

(3) References in this Act to the transmission of a work or other subject-matter to subscribers to a diffusion service are references to the transmission thereof in the course of a service of distributing broadcast programmes, or other programmes (whether provided by the person operating the service or other persons), over wires, or other paths provided by a material substance, to the premises of subscribers to the service ; and for the purposes of this Act, where a work or other subject-matter is so transmitted,—

(a) the person operating the service (that is to say, the person who, in the agreements with subscribers to the service, undertakes to provide them with the service, whether he is the person who transmits the programmes or not) shall be taken to be the person causing the work or other subject-matter to be so transmitted, and

(b) no person, other than the person operating the service, shall be taken to be causing it to be so transmitted, notwithstanding that he provides any facilities for the transmission of the programmes :

Provided that, for the purposes of this subsection, and of references to which this subsection applies, no account shall be taken of a service of distributing broadcast or other programmes, where the service is only incidental to a business of keeping or letting premises where persons reside or sleep, and is operated as part of the amenities provided exclusively or mainly for residents or inmates therein.

**PART VI**  
—*cont.*

(4) References in this Act to the doing of any act by the reception of a television broadcast or sound broadcast made by the Corporation or the Authority are references to the doing of that act by means of receiving the broadcast either—

- (a) from the transmission whereby the broadcast is made by the Corporation or the Authority, as the case may be, or
- (b) from a transmission made by the Corporation or the Authority, as the case may be, otherwise than by way of broadcasting, but simultaneously with the transmission mentioned in the preceding paragraph,

whether (in either case) the reception of the broadcast is directly from the transmission in question or from a re-transmission thereof made by any person from any place, whether in the United Kingdom or elsewhere ; and in this subsection “ re-transmission ” means any re-transmission, whether over paths provided by a material substance or not, including any re-transmission made by making use of any record, print, negative, tape or other article on which the broadcast in question has been recorded.

(5) For the purposes of this Act, broadcasting, or the causing of a work or other subject-matter to be transmitted to subscribers to a diffusion service, shall not be taken to constitute performance, or to constitute causing visual images or sounds to be seen or heard ; and where visual images or sounds are displayed or emitted by any receiving apparatus, to which they are conveyed by the transmission of electromagnetic signals (whether over paths provided by a material substance or not),—

- (a) the operation of any apparatus whereby the signals are transmitted, directly or indirectly, to the receiving apparatus shall not be taken to constitute performance or to constitute causing the visual images or sounds to be seen or heard ; but
- (b) in so far as the display or emission of the images or sounds constitutes a performance, or causes them to be seen or heard, the performance, or the causing of the images or sounds to be seen or heard, as the case may be, shall be taken to be effected by the operation of the receiving apparatus.

(6) Without prejudice to the last preceding subsection, where a work or an adaptation of a work is performed, or visual images or sounds are caused to be seen or heard, by the operation of any apparatus to which this subsection applies, being apparatus provided by or with the consent of the occupier of the premises where the apparatus is situated, the occupier of those premises shall, for the purposes of this Act, be taken to be the person

giving the performance, or causing the images or sounds to be seen or heard, whether he is the person operating the apparatus or not.

PART VI  
—cont.

This subsection applies to any such receiving apparatus as is mentioned in the last preceding subsection, and to any apparatus for reproducing sounds by the use of a record.

(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 or extended by or under any other enactment.

49.—(1) Except in so far as the context otherwise requires, any reference in this Act to the doing of an act in relation to a work or other subject-matter shall be taken to include a reference to the doing of that act in relation to a substantial part thereof, and any reference to a reproduction, adaptation or copy of a work, or a record embodying a sound recording, shall be taken to include a reference to a reproduction, adaptation or copy of a substantial part of the work, or a record embodying a substantial part of the sound recording, as the case may be: Supplementary provisions as to interpretation.

Provided that, for the purposes of the following provisions of this Act, namely subsections (1) and (2) of section two, subsections (2) and (3) of section three, subsections (2) and (3) of section thirty-three, section thirty-eight, and subsections (2) to (4) of section thirty-nine, this subsection shall not affect the construction of any reference to the publication, or absence of publication, of a work.

(2) With regard to publication, the provisions of this subsection shall have effect for the purposes of this Act, that is to say,—

- (a) the performance, or the issue of records, of a literary, dramatic or musical work, the exhibition of an artistic work, the construction of a work of architecture, and the issue of photographs or engravings of a work of architecture or of a sculpture, do not constitute publication of the work ;
- (b) except in so far as it may constitute an infringement of copyright, or a contravention of any restriction imposed by section forty-three of this Act, a publication which is merely colourable, and not intended to satisfy the reasonable requirements of the public, shall be disregarded ;
- (c) subject to the preceding paragraphs, a literary, dramatic or musical work, or an edition of such a work, or an artistic work, shall be taken to have been published if, but only if, reproductions of the work or edition have been issued to the public ;

**PART VI**  
—cont.

- (d) a publication in the United Kingdom, or in any other country, shall not be treated as being other than the first publication by reason only of an earlier publication elsewhere, if the two publications took place within a period of not more than thirty days ;

and in determining, for the purposes of paragraph (c) of this subsection, whether reproductions of a work or edition have been issued to the public, the preceding subsection shall not apply.

(3) In determining for the purposes of any provision of this Act—

- (a) whether a work or other subject-matter has been published, or
- (b) whether a publication of a work or other subject-matter was the first publication thereof, or
- (c) whether a work or other subject-matter was published or otherwise dealt with in the lifetime of a person,

no account shall be taken of any unauthorised publication or of the doing of any other unauthorised act ; and (subject to subsection (7) of section seven of this Act) a publication or other act shall for the purposes of this subsection be taken to have been unauthorised—

- (i) if copyright subsisted in the work or other subject-matter and the act in question was done otherwise than by, or with the licence of, the owner of the copyright, or
- (ii) if copyright did not subsist in the work or other subject-matter, and the act in question was done otherwise than by, or with the licence of, the author (or, in the case of a sound recording or a cinematograph film, or an edition of a literary, dramatic or musical work, the maker or publisher, as the case may be) or persons lawfully claiming under him :

Provided that nothing in this subsection shall affect any provisions of this Act as to the acts restricted by any copyright or as to acts constituting infringements of copyrights, or any provisions of section forty-three of this Act.

(4) References in this Act to the time at which, or the period during which, a literary, dramatic or musical work was made are references to the time or period at or during which it was first reduced to writing or some other material form.

(5) In the case of any copyright to which (whether in consequence of a partial assignment or otherwise) different persons are entitled in respect of the application of the copyright—

- (a) to the doing of different acts or classes of acts, or

(b) to the doing of one or more acts or classes of acts in different countries or at different times,

the owner of the copyright, for any purpose of this Act, shall be taken to be the person who is entitled to the copyright in respect of its application to the doing of the particular act or class of acts, or, as the case may be, to the doing thereof in the particular country or at the particular time, which is relevant to the purpose in question; and, in relation to any future copyright to which different persons are prospectively entitled, references in this Act to the prospective owner of the copyright shall be construed accordingly.

(6) Without prejudice to the generality of the last preceding subsection, where under any provision of this Act a question arises whether an article of any description has been imported or sold, or otherwise dealt with, without the licence of the owner of any copyright, the owner of the copyright, for the purpose of determining that question, shall be taken to be the person entitled to the copyright in respect of its application to the making of articles of that description in the country into which the article was imported, or, as the case may be, in which it was sold or otherwise dealt with.

(7) Where the doing of anything is authorised by the grantee of a licence, or a person deriving title from the grantee, and it is within the terms (including any implied terms) of the licence for him to authorise it, it shall for the purposes of this Act be taken to be done with the licence of the grantor and of every other person (if any) upon whom the licence is binding.

(8) References in this Act to deriving title are references to deriving title either directly or indirectly.

(9) Where, in the case of copyright of any description,—

(a) provisions contained in this Act specify certain acts as being restricted by the copyright, or as constituting infringements thereof, and

(b) other provisions of this Act specify certain acts as not constituting infringements of the copyright,

the omission or exclusion of any matter from the latter provisions shall not be taken to extend the operation of the former provisions.

(10) Any reference in this Act to countries to which a provision of this Act extends includes a country to which that provision extends subject to exceptions, modifications or additions.

**50.**—(1) The transitional provisions contained in the Seventh Schedule to this Act shall have effect for the purposes of this Act; and the provisions of the Eighth Schedule to this Act shall have effect in accordance with those transitional provisions.

Transitional provisions,  
and repeals.

**PART VI**  
—*cont.*

(2) Subject to the said transitional provisions, the enactments specified in the Ninth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

Short title,  
commence-  
ment and  
extent.

**51.**—(1) This Act may be cited as the Copyright Act, 1956.

(2) This Act shall come into operation on such day as the Board of Trade may by order appoint; and different days may be appointed for the purposes of different provisions of this Act, and, for the purposes of any provision of this Act whereby enactments are repealed, different days may be appointed for the operation of the repeal in relation to different enactments, including different enactments contained in the same Act.

(3) It is hereby declared that this Act extends to Northern Ireland.

## SCHEDULES

Section 10.

### FIRST SCHEDULE

#### FALSE REGISTRATION OF INDUSTRIAL DESIGNS

1. The provisions of this Schedule shall have effect where—

- (a) copyright subsists in an artistic work, and proceedings are brought under this Act relating to that work;
- (b) a corresponding design has been registered under the Act of 1949, and the copyright in the design subsisting by virtue of that registration has not expired by effluxion of time before the commencement of those proceedings; and
- (c) it is proved or admitted in the proceedings that the person registered as the proprietor of the design was not the proprietor thereof for the purposes of the Act of 1949, and was so registered without the knowledge of the owner of the copyright in the artistic work.

2. For the purposes of those proceedings (but subject to the next following paragraph) the registration shall be treated as never having been effected, and accordingly, in relation to that registration, subsection (1) of section ten of this Act shall not apply, and nothing in section seven of the Act of 1949 shall be construed as affording any defence in those proceedings.

3. Notwithstanding anything in the last preceding paragraph, if in the proceedings it is proved or admitted that any act to which the proceedings relate—

- (a) was done in pursuance of an assignment or licence made or granted by the person registered as proprietor of the design, and

(b) was so done in good faith in reliance upon the registration, and without notice of any proceedings for the cancellation of the registration or for rectifying the entry in the register of designs relating thereto,

1st Sch.  
—cont.

subsection (1) of section ten of this Act shall apply in relation to that act for the purposes of the first-mentioned proceedings.

4. In this Schedule “the Act of 1949” means the Registered Designs Act, 1949, and “corresponding design” has the meaning assigned to it by subsection (7) of section ten of this Act.

## SECOND SCHEDULE

Section 11.

### DURATION OF COPYRIGHT IN ANONYMOUS AND PSEUDONYMOUS WORKS

1. Where the first publication of a literary, dramatic, or musical work, or of an artistic work other than a photograph, is anonymous or pseudonymous, then subject to the following provisions of this Schedule—

- (a) subsection (3) of section two of this Act, or, as the case may be, subsection (4) of section three of this Act, shall not apply, and
- (b) any copyright subsisting in the work by virtue of either of those sections shall continue to subsist until the end of the period of fifty years from the end of the calendar year in which the work was first published, and shall then expire.

2. The preceding paragraph shall not apply in the case of a work if, at any time before the end of the period mentioned in that paragraph, it is possible for a person without previous knowledge of the facts to ascertain the identity of the author by reasonable inquiry.

3. For the purposes of this Act a publication of a work under two or more names shall not be taken to be pseudonymous unless all those names are pseudonyms.

## THIRD SCHEDULE

Section 11

### WORKS OF JOINT AUTHORSHIP

1. In relation to a work of joint authorship, the references to the author in subsections (1) and (2) of section two of this Act, in subsections (2) and (3) of section three of this Act, and in paragraph 2 of the Second Schedule to this Act, shall be construed as references to any one or more of the authors.

2. In relation to a work of joint authorship, other than a work to which the next following paragraph applies, references to the author in subsection (3) of section two, in subsection (4) of section three, and in subsection (6) of section seven, of this Act, shall be construed as references to the author who died last.

3RD SCH.  
—cont.

3.—(1) This paragraph applies to any work of joint authorship which was first published under two or more names, of which one or more (but not all) were pseudonyms.

(2) This paragraph also applies to any work of joint authorship which was first published under two or more names all of which were pseudonyms, if, at any time within the period of fifty years from the end of the calendar year in which the work was first published, it is possible for a person without previous knowledge of the facts to ascertain the identity of any one or more (but not all) of the authors by reasonable inquiry.

(3) In relation to a work to which this paragraph applies, references to the author in subsection (3) of section two of this Act, and in subsection (4) of section three of this Act, shall be construed as references to the author whose identity was disclosed, or, if the identity of two or more of the authors was disclosed, as references to that one of those authors who died last.

(4) For the purposes of this paragraph the identity of an author shall be taken to have been disclosed if either—

- (a) in his case, the name under which the work was published was not a pseudonym, or
- (b) it is possible to ascertain his identity as mentioned in subparagraph (2) of this paragraph.

4.—(1) In relation to a work of joint authorship of which one or more of the authors are persons to whom this paragraph applies, subsection (1) of section four of this Act shall have effect as if the author or authors, other than persons to whom this paragraph applies, had been the sole author, or (as the case may be) sole joint authors, of the work.

(2) This paragraph applies, in the case of a work, to any person such that, if he had been the sole author of the work, copyright would not have subsisted in the work by virtue of Part I of this Act.

5. In the proviso to subsection (6) of section six of this Act, the reference to other excerpts from works by the author of the passage in question—

- (a) shall be taken to include a reference to excerpts from works by the author of that passage in collaboration with any other person, or
- (b) if the passage in question is from a work of joint authorship, shall be taken to include a reference to excerpts from works by any one or more of the authors of that passage, or by any one or more of those authors in collaboration with any other person.

6. Subject to the preceding provisions of this Schedule, any reference in this Act to the author of a work shall (unless it is otherwise expressly provided) be construed, in relation to a work of joint authorship, as a reference to all the authors of the work.



## FOURTH SCHEDULE

Sections 23, 30,  
47.

## PROVISIONS AS TO PERFORMING RIGHT TRIBUNAL

1.—(1) Subject to the provisions of this paragraph, the members of the tribunal shall hold office for such period as may be determined at the time of their respective appointments ; and a person who ceases to hold office as a member of the tribunal shall be eligible for re-appointment.

(2) Any member of the tribunal may at any time by notice in writing to the Board of Trade, or, in the case of the chairman of the tribunal, to the Lord Chancellor, resign his appointment.

(3) The Board of Trade, or, in the case of the chairman of the tribunal, the Lord Chancellor, may declare the office of any member of the tribunal vacant on the ground of his unfitness to continue in office or incapacity to perform the duties thereof.

2. If any member of the tribunal is, by reason of illness, absence or other reasonable cause, for the time being unable to perform the duties of his office, either generally or in relation to any particular proceedings, the Board of Trade, or, in the case of the chairman of the tribunal, the Lord Chancellor, may appoint some other duly qualified person to discharge the duties of that member for any period, not exceeding six months at one time, or, as the case may be, in relation to those proceedings ; and a person so appointed shall, during that period or in relation to those proceedings, have the same powers as the person in whose place he is appointed.

3. If at any time there are more than two members of the tribunal, in addition to the chairman, then, for the purposes of any proceedings, the tribunal may consist of the chairman together with any two or more of those members.

4. If the members of the tribunal dealing with any reference or application are unable to agree as to the order to be made by the tribunal, a decision shall be taken by the votes of the majority ; and, in the event of an equality of votes, the chairman shall be entitled to a second or casting vote.

5. The tribunal may order that the costs or expenses of any proceedings before it incurred by any party shall be paid by any other party, and may tax or settle the amount of any costs or expenses to be paid under any such order or direct in what manner they are to be taxed.

6.—(1) The Lord Chancellor may make rules as to the procedure in connection with the making of references and applications to the tribunal, and for regulating proceedings before the tribunal and, subject to the approval of the Treasury, as to the fees chargeable in respect of those proceedings.

(2) Any such rules may apply in relation to the tribunal—

- (a) as respects proceedings in England and Wales, any of the provisions of the Arbitration Act, 1950, and
- (b) as respects proceedings in Northern Ireland, any of the provisions of the Arbitration Act (Northern Ireland), 1937.

**4TH SCH.**  
—cont.

(3) Any such rules may include provision—

- (a) for prescribing the period within which, after the tribunal has given its decision in any proceedings, a request may be made to the tribunal to refer a question of law to the court ;
- (b) for requiring notice of any intended application to the court under subsection (2) of section thirty of this Act to be given to the tribunal and to the other parties to the proceedings, and for limiting the time within which any such notice is to be given ;
- (c) for suspending, or authorising or requiring the tribunal to suspend, the operation of orders of the tribunal, in cases where, after giving its decision, the tribunal refers a question of law to the court ;
- (d) for modifying, in relation to orders of the tribunal whose operation is suspended, the operation of any provisions of Part IV of this Act as to the effect of orders made thereunder ;
- (e) for the publication of notices, or the taking of any other steps, for securing that persons affected by the suspension of an order of the tribunal will be informed of its suspension ;
- (f) for regulating or prescribing any other matters incidental to or consequential upon any request, application, order or decision under section thirty of this Act.

(4) Provision shall be made by rules of court for limiting the time for instituting proceedings under subsection (2) of section thirty of this Act, and for authorising or requiring the court, where it makes an order directing the tribunal to refer a question of law to the court, to provide in the order for suspending the operation of any order made by the tribunal in the proceedings in which the question of law arose.

(5) In this paragraph “the court” has the same meaning as in section thirty of this Act.

7. As respects proceedings in Scotland, the tribunal shall have the like powers for securing the attendance of witnesses and the production of documents, and with regard to the examination of witnesses on oath, as if the tribunal were an arbiter under a submission.

8. Without prejudice to any method available by law for the proof of orders of the tribunal, a document purporting to be a copy of any such order, and to be certified by the chairman of the tribunal to be a true copy thereof, shall, in any legal proceedings, be sufficient evidence of the order unless the contrary is proved.

## FIFTH SCHEDULE

Sections 24, 37.

**APPOINTMENT OF TELEVISION COPYRIGHT ORGANISATIONS BY BRITISH BROADCASTING CORPORATION AND INDEPENDENT TELEVISION AUTHORITY**

1. In this Schedule—

- (a) references to a right to which this Schedule applies are references to the copyright (including any future copyright) in any television broadcast, in so far as the copyright relates, or when it comes into existence will relate, to the acts specified in paragraph (c) of subsection (4) of section fourteen of this Act ;
- (b) references to the purposes of this Schedule are references to the purposes of negotiating or granting licences in respect of rights to which this Schedule applies.

2. The Corporation and the Authority may jointly appoint an organisation for the purposes of this Schedule ; and if they do so, no other organisation shall be appointed by them or either of them for those purposes until the appointment of that organisation has been duly terminated.

3. Subject to the last preceding paragraph, the Corporation or the Authority, or each of them, may appoint an organisation for the purposes of this Schedule ; and if an organisation is so appointed by the Corporation or by the Authority, no other organisation shall be appointed for the purposes of this Schedule by the Corporation or the Authority, as the case may be, until the appointment of that organisation has been duly terminated.

4. A right to which this Schedule applies shall not be assignable by the Corporation or by the Authority except to an organisation duly appointed for the purposes of this Schedule ; and where such a right has been assigned to such an organisation, it shall not be assignable by the organisation except to the Corporation or the Authority, as the case may be, or to another organisation subsequently appointed for the purposes of this Schedule.

5.—(1) Neither the Corporation nor the Authority shall authorise any organisation or person, other than any person in their employment under a contract of service, to negotiate or act for them with respect to the granting of licences in respect of rights to which this Schedule applies, except an organisation duly appointed for the purposes of this Schedule.

(2) An organisation appointed for the purposes of this Schedule shall not authorise any other organisation or person, other than any person in their employment under a contract of service, to negotiate or act for them, or for the Corporation or the Authority, with respect to the granting of licences in respect of rights to which this Schedule applies.

6. The appointment, or the termination of the appointment, of an organisation for the purposes of this Schedule shall not have effect unless, not less than fourteen days before the appointment or termination is to take effect, a notice is published in the *London Gazette*, the *Edinburgh Gazette* and the *Belfast Gazette*, specifying

5TH SCH.  
—cont.

the name and address of the organisation, and the date on which the appointment or termination is to take effect, and stating whether the appointment, or termination of appointment, is made by the Corporation or the Authority or by both of them.

7. Where notice of the appointment of an organisation for the purposes of this Schedule has been given under the last preceding paragraph, the organisation shall be taken for the purposes of this Act to be authorised to act in accordance with the appointment until their appointment is duly terminated in pursuance of a notice published in accordance with that paragraph.

Section 45.

SIXTH SCHEDULE  
AMENDMENT OF DRAMATIC AND MUSICAL PERFORMERS'  
PROTECTION ACT, 1925

PART I

NEW SECTIONS 1A AND 1B

*Penalties for making, &c., cinematograph films without consent of performers*

- 1A. Subject to the provisions of this Act, if any person knowingly—
- (a) makes a cinematograph film, directly or indirectly, from or by means of the performance of any dramatic or musical work without the consent in writing of the performers, or
  - (b) sells or lets for hire, or distributes for the purposes of trade, or by way of trade exposes or offers for sale or hire, a cinematograph film made in contravention of this Act, or
  - (c) uses for the purposes of exhibition to the public a cinematograph film made in contravention of this Act,

he shall be guilty of an offence under this Act, and shall be liable on summary conviction to a fine not exceeding fifty pounds:

Provided that, where a person is charged with an offence under paragraph (a) of this section, it shall be a defence to prove that the cinematograph film was made for his private and domestic use only.

*Penalties for broadcasting without consent of performers*

1B. Subject to the provisions of this Act, any person who, otherwise than by the use of a record or a cinematograph film, knowingly broadcasts a performance of any dramatic or musical work, or any part of such a performance, without the consent in writing of the performers shall be guilty of an offence under this Act, and shall be liable on summary conviction to a fine not exceeding fifty pounds.

PART II

NEW SECTIONS 3A AND 3B

*Special defences*

3A. Notwithstanding anything in the preceding provisions of this Act, it shall be a defence to any proceedings under this Act to prove—

- (a) that the record, cinematograph film or broadcast to which the proceedings relate was made only for the purpose of reporting current events, or

- (b) that the inclusion of the performance in question in the record, cinematograph film or broadcast to which the proceedings relate was only by way of background or was otherwise only incidental to the principal matters comprised or represented in the record, film or broadcast.

6TH SCH.  
—cont.

*Consent on behalf of performers*

3B. Where in any proceedings under this Act it is proved—

- (a) that the record, cinematograph film or broadcast to which the proceedings relate was made with the consent in writing of a person who, at the time of giving the consent, represented that he was authorised by the performers to give it on their behalf, and
- (b) that the person making the record, film or broadcast had no reasonable grounds for believing that the person giving the consent was not so authorised,

the provisions of this Act shall apply as if it had been proved that the performers had themselves consented in writing to the making of the record, film or broadcast.

PART III

MINOR AND CONSEQUENTIAL AMENDMENTS

*Provision amended*

*Amendment*

Section one ... At the beginning of the section there shall be inserted the words " Subject to the provisions of this Act "; and at the end of the section, for the words " not made for purposes of trade " there shall be substituted the words " made for his private and domestic use only ".

Section three ... For the words " records or " there shall be substituted the words " records, cinematograph films ".

Section four ... At the end of the definition of the expression " record " there shall be inserted the words " including the sound-track of a cinematograph film "; and at the end of the section there shall be inserted the following definitions:—

"The expression ' cinematograph film ' means any print, negative, tape or other article on which a performance of a dramatic or musical work or part thereof is recorded for the purposes of visual reproduction, and any reference to the making of a cinematograph film is a reference to the carrying out of any process whereby such a performance or part thereof is so recorded;

The expression ' broadcast ' means broadcast by wireless telegraphy (within the meaning of the Wireless Telegraphy Act, 1949), whether by way of sound broadcasting or of television ".

Section 50.

## SEVENTH SCHEDULE

## TRANSITIONAL PROVISIONS

## PART I

## PROVISIONS RELATING TO PART I OF ACT

*Conditions for subsistence of copyright*

1. In the application of sections two and three to works first published before the commencement of those sections, subsection (2) of section two, and subsection (3) of section three, shall apply as if paragraphs (b) and (c) of those subsections were omitted.

*Duration of copyright*

2. In relation to any photograph taken before the commencement of section three, subsection (4) of that section shall not apply, but, subject to subsection (3) of that section, copyright subsisting in the photograph by virtue of that section shall continue to subsist until the end of the period of fifty years from the end of the calendar year in which the photograph was taken, and shall then expire.

*Ownership of copyright*

3.—(1) Subsections (2) to (4) of section four shall not apply—

(a) to any work made as mentioned in subsection (2) or subsection (4) of that section, if the work was so made before the commencement of that section, or

(b) to any work made as mentioned in subsection (3) of that section, if the work was or is so made in pursuance of a contract made before the commencement of that section.

(2) In relation to any work to which the preceding sub-paragraph applies, subsection (1) of section four shall have effect subject to the proviso set out in paragraph 1 of the Eighth Schedule to this Act (being the proviso to subsection (1) of section five of the Act of 1911).

*Infringements of copyright*

4. For the purposes of section five, the fact that, to a person's knowledge, the making of an article constituted an infringement of copyright under the Act of 1911, or would have constituted such an infringement if the article had been made in the place into which it is imported, shall have the like effect as if, to that person's knowledge, the making of the article had constituted an infringement of copyright under this Act.

5. Subsection (7) of section six does not apply to assignments made or licences granted before the commencement of that section.

6.—(1) References in section eight to records previously made by, or with the licence of, the owner of the copyright in a work include references to records previously made by, or with the consent of, the owner of the copyright in that work under the Act of 1911.

(2) The repeal by this Act of any provisions of section nineteen of the Act of 1911, or of the provisions of the Copyright Order Confirmation (Mechanical Instruments: Royalties) Act, 1928, shall not affect the operation of those provisions, or of any regulations or order made thereunder, in relation to a record made before the repeal.

7.—(1) In relation to a painting, drawing, engraving, photograph or cinematograph film made before the commencement of section nine, subsection (6) of that section shall apply if, by virtue of subsection (3) or subsection (4) of that section, the making of the painting, drawing, engraving, photograph or film would not have constituted an infringement of copyright under this Act if this Act had been in operation at the time when it was made.

7TH SCH.  
—cont.

(2) In subsection (10) of section nine, the reference to construction by, or with the licence of, the owner of the copyright in any architectural drawings or plans includes a reference to construction by, or with the licence of, the person who, at the time of the construction, was the owner of the copyright in the drawings or plans under the Act of 1911, or under any enactment repealed by that Act.

8.—(1) Section ten and the First Schedule to this Act do not apply to artistic works made before the commencement of that section.

(2) Copyright shall not subsist by virtue of this Act in any artistic work made before the commencement of section ten which, at the time when the work was made, constituted a design capable of registration under the Registered Designs Act, 1949, or under the enactments repealed by that Act, and was used, or intended to be used, as a model or pattern to be multiplied by any industrial process.

(3) The provisions set out in paragraph 2 of the Eighth Schedule to this Act (being the relevant provisions of the Copyright (Industrial Designs) Rules, 1949) shall apply for the purposes of the last preceding sub-paragraph.

9.—(1) Where, before the repeal by this Act of section three of the Act of 1911, a person has, in the case of a work, given the notice requisite under the proviso set out in paragraph 3 of the Eighth Schedule to this Act (being the proviso to the said section three), then, as respects reproductions by that person of that work after the repeal of that section by this Act, that proviso shall have effect as if it had been re-enacted in this Act as a proviso to subsection (2) of section one :

Provided that the said proviso shall so have effect subject to the provisions set out in paragraphs 4 and 5 of the Eighth Schedule to this Act (being so much of subsection (1) of sections sixteen and seventeen respectively of the Act of 1911 as is applicable to the said proviso), as if those provisions had also been re-enacted in this Act.

(2) For the purposes of the operation of the said proviso in accordance with the preceding sub-paragraph, any regulations made by the Board of Trade thereunder before the repeal of section three of the Act of 1911 shall have effect as if they had been made under this Act, and the power of the Board of Trade to make further regulations thereunder shall apply as if the proviso had been re-enacted as mentioned in the preceding sub-paragraph.

#### *Works of joint authorship*

10.—(1) Notwithstanding anything in section eleven, or in the Third Schedule to this Act, copyright shall not subsist by virtue of Part I of this Act in any work of joint authorship first published before the commencement of section eleven, if the period of copyright had expired before the commencement of that section.

7<sup>TH</sup> SCH.  
—cont.

(2) In this paragraph “the period of copyright” means whichever is the longer of the following periods, that is to say,—

- (a) the life of the author who died first and a term of fifty years after his death, and
- (b) the life of the author who died last.

## PART II

### PROVISIONS RELATING TO PART II OF ACT

#### *Sound recordings*

11. In the case of a sound recording made before the commencement of section twelve, subsection (3) of that section shall apply with the substitution, for the period mentioned in that subsection, of the period of fifty years from the end of the calendar year in which the recording was made.

12. Subsection (6) of section twelve shall not apply to a sound recording made before the commencement of that section.

13. Notwithstanding anything in section twelve, copyright shall not subsist by virtue of that section in a sound recording made before the first day of July, nineteen hundred and twelve, unless, immediately before the commencement of that section, a corresponding copyright subsisted, in relation to that recording, by virtue of subsection (8) of section nineteen of the Act of 1911 (which relates to records made before the commencement of that Act).

#### *Cinematograph films*

14. Section thirteen shall not apply to cinematograph films made before the commencement of that section.

15. Where a cinematograph film made before the commencement of section thirteen was an original dramatic work within the definition of “dramatic work” set out in paragraph 9 of the Eighth Schedule to this Act (being the definition thereof in the Act of 1911), the provisions of this Act, including the provisions of this Schedule other than this paragraph, shall have effect in relation to the film as if it had been an original dramatic work within the meaning of this Act; and the person who was the author of the work for the purposes of the Act of 1911 shall be taken to be the author thereof for the purposes of the said provisions as applied by this paragraph.

16. The provisions of this Act shall have effect in relation to photographs forming part of a cinematograph film made before the commencement of section thirteen as those provisions have effect in relation to photographs not forming part of a cinematograph film.

#### *Television broadcasts and sound broadcasts*

17. Copyright shall not subsist by virtue of section fourteen in any television broadcast or sound broadcast made before the commencement of that section.

18. For the purposes of subsection (3) of section fourteen, a previous television broadcast or sound broadcast shall be disregarded if it was made before the commencement of that section.



*Supplementary*7TH SCH.  
—cont.

19. For the purposes of subsections (2) to (4) of section sixteen, the fact that, to a person's knowledge, the making of an article constituted an infringement of copyright under the Act of 1911, or would have constituted such an infringement if the article had been made in the place into which it is imported, shall have the like effect as if, to that person's knowledge, the making of the article had constituted an infringement of copyright under this Act.

## PART III

## PROVISIONS RELATING TO PART III OF ACT

20. Nothing in section seventeen shall apply to any infringement of copyright under the Act of 1911, or shall affect any proceedings under that Act, whether begun before or after the commencement of that section.

21. Section eighteen shall not apply with respect to any article made, or, as the case may be, imported, before the commencement of that section ; but, notwithstanding the repeal by this Act of section seven of the Act of 1911 (which contains provisions corresponding to subsection (1) of section eighteen), proceedings may (subject to the provisions of that Act) be brought or continued by virtue of the said section seven in respect of any article made or imported before the repeal, although the proceedings relate to the conversion or detention thereof after the repeal took effect.

22. Section nineteen shall not apply to any licence granted before the commencement of that section, and shall not affect any proceedings under the Act of 1911, whether begun before or after the commencement of that section.

23. For the purposes of section twenty-one the definition of "infringing copy" in section eighteen shall apply as if any reference to copyright in that definition included a reference to copyright under the Act of 1911.

24. Where before the commencement of section twenty-two a notice had been given in respect of a work under section fourteen of the Act of 1911 (which contains provisions corresponding to section twenty-two), and that notice had not been withdrawn and had not otherwise ceased to have effect before the commencement of section twenty-two, the notice shall have effect after the commencement of that section as if it had been duly given thereunder:

Provided that a notice shall not continue to have effect by virtue of this paragraph after the end of the period of six months beginning with the commencement of section twenty-two.

## PART IV

## PROVISIONS RELATING TO PART IV OF ACT

25. The provisions of Part IV of this Act shall apply in relation to licence schemes made before the commencement of that Part as they apply in relation to licence schemes made thereafter, as if references in Part IV of this Act to copyright included references to copyright under the Act of 1911.

7TH SCH.  
—cont.

26. In section twenty-seven, references to a refusal or failure to grant or procure the grant of a licence, or to a proposal that a licence should be granted, do not include a refusal or failure which occurred, or a proposal made, before the commencement of that section.

#### PART V

##### PROVISIONS RELATING TO PART V OF ACT

27. In section thirty-three, subsection (2) shall not apply to works made before the commencement of that section, and subsection (3) shall not apply to works first published before the commencement of that section.

#### PART VI

##### PROVISIONS RELATING TO PART VI OF ACT

###### *Assignments, licences and bequests*

28.—(1) Where by virtue of any provision of this Act copyright subsists in a work, any document or event which—

- (a) was made or occurred before the commencement of that provision, and
- (b) had any operation affecting the title to copyright in the work under the Act of 1911, or would have had such an operation if the Act of 1911 had continued in force,

shall have the corresponding operation in relation to the copyright in the work under this Act:

Provided that, if the operation of any such document was or would have been limited to a period specified in the document, it shall not have any operation in relation to the copyright under this Act, except in so far as that period extends beyond the commencement of the provision of this Act by virtue of which copyright subsists in the work.

(2) For the purposes of the operation of a document in accordance with the preceding sub-paragraph,—

- (a) expressions used in the document shall be construed in accordance with their effect immediately before the commencement of the provision in question, notwithstanding that a different meaning is assigned to them for the purposes of this Act; and
- (b) subsection (1) of section thirty-seven shall not apply.

(3) Without prejudice to the generality of sub-paragraph (1) of this paragraph, the proviso set out in paragraph 6 of the Eighth Schedule to this Act (being the proviso to subsection (2) of section five of the Act of 1911) shall apply to assignments and licences having effect in relation to copyright under this Act in accordance with that sub-paragraph, as if that proviso had been re-enacted in this Act.

(4) In relation to copyright under this Act in a sound recording or in a cinematograph film, the preceding provisions of this paragraph shall apply subject to the following modifications, that is to say,—

7TH SCH.  
—cont.

(a) in the case of a sound recording, references to the copyright under the Act of 1911 shall be construed as references to the copyright under that Act in records embodying the recording, and

(b) in the case of a cinematograph film, references to the copyright under the Act of 1911 shall be construed as references to any copyright under that Act in the film (in so far as it constituted a dramatic work for the purposes of the Act of 1911) or in photographs forming part of the film.

(5) In this paragraph “operation affecting the title”, in relation to copyright under the Act of 1911, means any operation affecting the ownership of that copyright, or creating, transferring or terminating an interest, right or licence in respect of that copyright.

29.—(1) Section thirty-eight shall not apply to a bequest contained in the will, or a codicil to the will, of a testator who died before the commencement of that section.

(2) In the case of an author who died before the commencement of section thirty-eight, the provision set out in paragraph 7 of the Eighth Schedule to this Act (being subsection (2) of section seventeen of the Act of 1911) shall have effect as if it had been re-enacted in this Act.

#### *Crown and Government departments*

30. Subsection (4) of section thirty-nine shall apply in relation to photographs taken before the commencement of that section as if the proviso to that subsection were omitted.

31.—(1) In the application of subsection (5) of section thirty-nine to a sound recording made before the commencement of that section, paragraph (b) of that subsection shall apply as if for the period mentioned in that paragraph there were substituted the period of fifty years from the end of the calendar year in which the recording was made.

(2) With respect to cinematograph films made before the commencement of section thirty-nine—

(a) subsection (5) of that section shall not apply, but

(b) in the case of a cinematograph film made as mentioned in that subsection, but before the commencement of section thirty-nine, if it was an original dramatic work as mentioned in paragraph 15 of this Schedule, the provisions of subsections (1) to (3) of section thirty-nine shall apply in accordance with that paragraph, and

(c) in relation to photographs forming part of such a cinematograph film the provisions of subsections (1), (2) and (4) of section thirty-nine (as modified by the last preceding paragraph) shall apply as they apply in relation to photographs not forming part of a cinematograph film.

7TH SCH.  
—*cont.*

*False attribution of authorship*

32.—(1) Paragraphs (b) and (c) of subsection (2) of section forty-three shall apply to any such act as is therein mentioned, if done after the commencement of that section, notwithstanding that the name in question was inserted or affixed before the commencement of that section.

(2) Subject to the preceding sub-paragraph, no act done before the commencement of section forty-three shall be actionable by virtue of that section.

(3) In this paragraph “name” has the same meaning as in section forty-three.

*Other provisions*

33.—(1) In the application of subsection (2) of section forty-nine to a publication effected before the commencement of that section, the reference in paragraph (d) to thirty days shall be treated as a reference to fourteen days.

(2) For the purposes of the application of subsection (3) of section forty-nine to an act done before the commencement of a provision of this Act to which that subsection applies, references to copyright include references to copyright under the Act of 1911, and, in relation to copyright under that Act, references to the licence of the owner are references to the consent or acquiescence of the owner.

PART VII

WORKS MADE BEFORE 1ST JULY, 1912

34.—(1) This Part of this Schedule applies to works made before the first day of July, nineteen hundred and twelve.

(2) In this Part of this Schedule “right conferred by the Act of 1911”, in relation to a work, means such a substituted right as, by virtue of section twenty-four of the Act of 1911, was conferred in place of a right subsisting immediately before the commencement of that Act.

35. Notwithstanding anything in Part I of this Schedule, neither subsection (1) or subsection (2) of section two, nor subsection (2) or subsection (3) of section three, shall apply to a work to which this Part of this Schedule applies, unless a right conferred by the Act of 1911 subsisted in the work immediately before the commencement of section two or section three, as the case may be.

36.—(1) Where, in the case of a dramatic or musical work to which this Part of this Schedule applies, the right conferred by the Act of 1911 did not include the sole right to perform the work in public, then, in so far as copyright subsists in the work by virtue of this Act, the acts restricted by the copyright shall be treated as not including those specified in sub-paragraph (3) of this paragraph.

(2) Where, in the case of a dramatic or musical work to which this Part of this Schedule applies, the right conferred by the Act of 1911 consisted only of the sole right to perform the work in public, then, in so far as copyright subsists in the work by virtue of this Act, the acts restricted by the copyright shall be treated as consisting only of those specified in sub-paragraph (3) of this paragraph.

(3) The said acts are—

- (a) performing the work or an adaptation thereof in public ;
- (b) broadcasting the work or an adaptation thereof ;
- (c) causing the work or an adaptation thereof to be transmitted to subscribers to a diffusion service.

7TH SCH.  
—cont.

37. Where a work to which this Part of this Schedule applies consists of an essay, article or portion forming part of and first published in a review, magazine or other periodical or work of a like nature, and immediately before the commencement of section two a right of publishing the work in a separate form subsisted by virtue of the provision set out in paragraph 8 of the Eighth Schedule to this Act (being the note appended to the First Schedule to the Act of 1911), that provision shall have effect, in relation to that work, as if it had been re-enacted in this Act with the substitution, for the word "right" where it first occurs, of the word "copyright".

38.—(1) Without prejudice to the generality of sub-paragraph (1) of paragraph 28 of this Schedule, the provisions of this paragraph shall have effect where—

- (a) the author of a work to which this Part of this Schedule applies had, before the commencement of the Act of 1911, made such an assignment or grant as is mentioned in paragraph (a) of the proviso to subsection (1) of section twenty-four of that Act (which relates to transactions whereby the author had assigned, or granted an interest in, the copyright or performing right in a work for the full term of that right under the law in force before the Act of 1911), and

- (b) copyright subsists in the work by virtue of any provision of this Act.

(2) If, before the commencement of that provision of this Act, any event occurred, or notice was given, which in accordance with paragraph (a) of the said proviso had any operation affecting the ownership of the right conferred by the Act of 1911 in relation to the work, or creating, transferring or terminating an interest, right or licence in respect of that right, that event or notice shall have the corresponding operation in relation to the copyright in the work under this Act.

(3) Any right which, at a time after the commencement of that provision of this Act, would, by virtue of paragraph (a) of the said proviso, have been exercisable in relation to the work, or to the right conferred by the Act of 1911, if this Act had not been passed, shall be exercisable in relation to the work or to the copyright therein under this Act, as the case may be.

(4) If, in accordance with paragraph (a) of the said proviso, the right conferred by the Act of 1911 would have reverted to the author or his personal representatives on the date referred to in that paragraph, and the said date falls after the commencement of the provision of this Act whereby copyright subsists in the work, then on that date—

- (a) the copyright in the work under this Act shall revert to the author or his personal representatives, as the case may be, and

7TH SCH.  
—cont.

- (b) any interest of any other person in that copyright which subsists on that date by virtue of any document made before the commencement of the Act of 1911 shall thereupon determine.

### PART VIII

#### GENERAL AND SUPPLEMENTARY PROVISIONS

39.—(1) The provisions of this paragraph shall have effect for the construction of any reference in any provision of this Act—

- (a) to countries to which that provision extends, or  
(b) to qualified persons.

(2) Where, at any time after the commencement of any provisions of this Act, a provision which contains such a reference—

- (a) has not yet been extended by virtue of section thirty-one to a country to which the Act of 1911 extended (or which, by virtue of that Act, was to be treated as a country to which it extended), and

- (b) has not been applied in the case of that country by virtue of section thirty-two,

then, with respect to any time before the provision is so extended or applied, the reference shall be construed as if the provision did extend to that country.

(3) For the purpose of determining whether copyright subsists in any work or other subject-matter at a time when a provision containing such a reference has been extended to a country other than the United Kingdom, the reference shall be construed, in relation to past events, as if that provision had always been in operation and had always extended to that country.

(4) In relation to photographs taken before the commencement of section three, and to sound recordings made before the commencement of section twelve, the definition of “qualified person” in subsection (5) of section one shall apply as if, in paragraph (b) of that subsection, for the words “body incorporated under the laws of” there were substituted the words “body corporate which has established a place of business in”.

40.—(1) The provisions of the two next following sub-paragraphs shall apply where—

- (a) immediately before the date on which any provisions of the Act of 1911 (in this paragraph referred to as “the repealed provisions”) are repealed in the law of the United Kingdom by this Act, the repealed provisions have effect as applied by an Order in Council made in respect of a foreign country under section twenty-nine of the Act of 1911; and

- (b) no Order in Council under section thirty-two of this Act, applying any provisions of this Act in the case of that country, is made so as to come into force on or before that date.

(2) The repealed provisions, as applied by the Order in Council under section twenty-nine of the Act of 1911 (or by that Order as varied by any subsequent Order thereunder), shall continue to have

effect, notwithstanding the repeal, until the occurrence of whichever of the following events first occurs, that is to say—

7TH SCH.  
—cont.

- (a) the revocation of the Order in Council under section twenty-nine of the Act of 1911 ;
- (b) the coming into operation of an Order in Council under section thirty-two of this Act applying any of the provisions of this Act in the case of the foreign country in question ;
- (c) the expiration of the period of two years beginning with the date mentioned in the preceding sub-paragraph.

(3) For the purposes of continuing, varying or terminating the operation of the repealed provisions in accordance with the last preceding sub-paragraph, and for the purposes of any proceedings arising out of the operation of those provisions in accordance with that sub-paragraph, all the provisions of the Act of 1911 (including the power to revoke or vary Orders in Council under section twenty-nine of that Act) shall be treated as continuing in force as if none of those provisions had been repealed by this Act.

(4) In relation to a country in respect of which an Order in Council has been made under subsection (3) of section twenty-six of the Act of 1911 (which relates to countries therein referred to as self-governing dominions to which that Act does not extend), the preceding provisions of this paragraph shall apply as they apply in relation to a foreign country, with the substitution, for references to section twenty-nine of the Act of 1911, of references to the said subsection (3).

41. In so far as the Act of 1911 or any Order in Council made thereunder forms part of the law of any country other than the United Kingdom, at a time after that Act has been wholly or partly repealed in the law of the United Kingdom, it shall, so long as it forms part of the law of that country, be construed and have effect as if that Act had not been so repealed.

42. The mention of any particular matter in the preceding provisions of this Schedule with regard to the repeal of any of the provisions of the Act of 1911 shall not affect the general application to this Act of section thirty-eight of the Interpretation Act, 1889 (which relates to the effect of repeals), either in relation to the Act of 1911 or to any other enactment repealed by this Act.

43. For the purposes of the application, by virtue of any of the preceding paragraphs of this Schedule, of any of the provisions set out in the Eighth Schedule to this Act,—

- (a) the expressions of which definitions are set out in paragraph 9 of that Schedule (being the definitions of those expressions in the Act of 1911) shall, notwithstanding anything in this Act, be construed in accordance with those definitions ; and
- (b) where, for those purposes, any of those provisions is to be treated as if re-enacted in this Act, it shall be treated as if it had been so re-enacted with the substitution, for the words “ this Act ”, wherever the reference is to the passing or the commencement of the Act of 1911, of the words “ the Copyright Act, 1911 ”.

7TH SCH.  
—cont.

44. Without prejudice to the operation of any of the preceding provisions of this Schedule—

- (a) any enactment or other document referring to an enactment repealed by this Act shall be construed as referring (or as including a reference) to the corresponding enactment of this Act;
- (b) any enactment or other document referring to copyright, or to works in which copyright subsists, if apart from this Act it would be construed as referring to copyright under the Act of 1911, or to works in which copyright subsists under that Act, shall be construed as referring (or as including a reference) to copyright under this Act, or, as the case may be, to works or any other subject-matter in which copyright subsists under this Act;
- (c) any reference in an enactment or other document to the grant of an interest in copyright by licence shall be construed, in relation to copyright under this Act, as a reference to the grant of a licence in respect of that copyright.

45.—(1) Except in so far as it is otherwise expressly provided in this Schedule, the provisions of this Act apply in relation to things existing at the commencement of those provisions as they apply in relation to things coming into existence thereafter.

(2) For the purposes of any reference in this Schedule to works, sound recordings or cinematograph films made before the commencement of a provision of this Act, a work, recording or film, the making of which extended over a period, shall not be taken to have been so made unless the making of it was completed before the commencement of that provision.

46.—(1) Any reference in this Schedule to a numbered section shall, unless the reference is to a section of a specified Act, be construed as a reference to the section bearing that number in this Act.

(2) Any reference in this Schedule to the commencement of a provision of this Act is a reference to the date on which that provision comes into operation as part of the law of the United Kingdom.

47.—(1) In this Schedule “photograph” has the meaning assigned to it in the definition set out in paragraph 9 of the Eighth Schedule to this Act, and not the meaning assigned to it by section forty-eight.

(2) In this Schedule “the Act of 1911” means the Copyright Act, 1911.

Section 50.

#### EIGHTH SCHEDULE

##### PROVISIONS OF COPYRIGHT ACT, 1911, AND RULES, REFERRED TO IN SEVENTH SCHEDULE

1. *Proviso to s. 5 (1) of the Copyright Act, 1911 (referred to in paragraph 3 of Seventh Schedule):—*

Provided that—

- (a) where, in the case of an engraving, photograph, or portrait, the plate or other original was ordered by some other person and was made for valuable consideration in pursuance of



that order, then, in the absence of any agreement to the contrary, the person by whom such plate or other original was ordered shall be the first owner of the copyright ; and

8TH SCH.  
—cont.

- (b) where the author was in the employment of some other person under a contract of service or apprenticeship and the work was made in the course of his employment by that person, the person by whom the author was employed shall, in the absence of any agreement to the contrary, be the first owner of the copyright, but where the work is an article or other contribution to a newspaper, magazine, or similar periodical, there shall, in the absence of any agreement to the contrary, be deemed to be reserved to the author a right to restrain the publication of the work, otherwise than as part of a newspaper, magazine, or similar periodical.

**2. Rule 2 of the Copyright (Industrial Designs) Rules, 1949 (referred to in paragraph 8 of Seventh Schedule):—**

A design shall be deemed to be used as a model or pattern to be multiplied by any industrial process—

- (a) when the design is reproduced or is intended to be reproduced on more than 50 single articles, unless all the articles in which the design is reproduced or is intended to be reproduced together form only a single set of articles as defined in subsection (1) of Section 44 of the Registered Designs Act, 1949, or
- (b) when the design is to be applied to—
- (i) printed paper hangings,
  - (ii) carpets, floor cloths or oil cloths, manufactured or sold in lengths or pieces,
  - (iii) textile piece goods, or textile goods manufactured or sold in lengths or pieces, or
  - (iv) lace, not made by hand.

**3. Proviso to s. 3 of the Copyright Act, 1911 (referred to in paragraph 9 of Seventh Schedule):—**

Provided that at any time after the expiration of twenty-five years, or in the case of a work in which copyright subsists at the passing of this Act thirty years, from the death of the author of a published work, copyright in the work shall not be deemed to be infringed by the reproduction of the work for sale if the person reproducing the work proves that he has given the prescribed notice in writing of his intention to reproduce the work, and that he has paid in the prescribed manner to, or for the benefit of, the owner of the copyright royalties in respect of all copies of the work sold by him calculated at the rate of ten per cent. on the price at which he publishes the work ; and, for the purposes of this proviso, the Board of Trade may make regulations prescribing the mode in which notices are to be given, and the particulars to be given in such notices, and the mode, time, and frequency of the payment of royalties, including (if they think fit) regulations requiring payment in advance or otherwise securing the payment of royalties.

8TH SCH.  
—cons.

4. S. 16 (1) of the Copyright Act, 1911 (referred to in paragraph 9 of Seventh Schedule):—

In the case of a work of joint authorship . . . references in this Act to the period after the expiration of any specified number of years from the death of the author shall be construed as references to the period after the expiration of the like number of years from the death of the author who dies first or after the death of the author who dies last, whichever period may be the shorter . . .

5. S. 17 (1) of Copyright Act, 1911 (referred to in paragraph 9 of Seventh Schedule):—

In the case of a literary, dramatic or musical work, or an engraving, in which copyright subsists at the date of the death of the author or, in the case of a work of joint authorship, at or immediately before the date of the death of the author who dies last, but which has not been published, nor, in the case of a dramatic or musical work, been performed in public, nor, in the case of a lecture, been delivered in public, before that date, . . . the proviso to section three of this Act shall . . . apply as if the author had died at the date of such publication or performance or delivery in public as aforesaid.

6. Proviso to s. 5 (2) of the Copyright Act, 1911 (referred to in paragraph 28 of Seventh Schedule):—

Provided that, where the author of a work is the first owner of the copyright therein, no assignment of the copyright, and no grant of any interest therein, made by him (otherwise than by will) after the passing of this Act, shall be operative to vest in the assignee or grantee any rights with respect to the copyright in the work beyond the expiration of twenty-five years from the death of the author, and the reversionary interest in the copyright expectant on the termination of that period shall, on the death of the author, notwithstanding any agreement to the contrary, devolve on his legal personal representatives as part of his estate, and any agreement entered into by him as to the disposition of such reversionary interest shall be null and void, but nothing in this proviso shall be construed as applying to the assignment of the copyright in a collective work or a licence to publish a work or part of a work as part of a collective work.

7. S. 17 (2) of the Copyright Act, 1911 (referred to in paragraph 29 of Seventh Schedule):—

The ownership of an author's manuscript after his death, where such ownership has been acquired under a testamentary disposition made by the author and the manuscript is of a work which has not been published nor performed in public nor delivered in public, shall be prima facie proof of the copyright being with the owner of the manuscript.

8. Note to First Schedule to the Copyright Act, 1911 (referred to in paragraph 37 of Seventh Schedule):—

In the case of an essay, article, or portion forming part of and first published in a review, magazine, or other periodical or work of a like nature, the right shall be subject to any right of publishing the essay, article, or portion in a separate form to which the author is entitled at the commencement of this Act, or would, if this Act had not been passed, have become entitled under section eighteen of the Copyright Act, 1842.

9. *Definitions in s. 35 (1) of the Copyright Act, 1911 (referred to in paragraphs 15, 43 and 47 of Seventh Schedule):—*

8TH SCH.  
—cont.

“literary work” includes maps, charts, plans, tables, and compilations ;

“dramatic work” includes any piece for recitation, choreographic work or entertainment in dumb show the scenic arrangement or acting form of which is fixed in writing or otherwise, and any cinematograph production where the arrangement or acting form or the combination of incidents represented give the work an original character ;

“performance” means any acoustic representation of a work and any visual representation of any dramatic action in a work, including such a representation made by means of any mechanical instrument ;

“photograph” includes photo-lithograph and any work produced by any process analogous to photography ;

“collective work” means—

(a) any encyclopaedia, dictionary, year book, or similar work ;

(b) a newspaper, review, magazine, or similar periodical ; and

(c) any work written in distinct parts by different authors, or in which works or parts of works of different authors are incorporated ;

“delivery” in relation to a lecture, includes delivery by means of any mechanical instrument ;

“lecture” includes address, speech and sermon.

*Note*—In this Schedule “this Act” means the Copyright Act, 1911.

NINTH SCHEDULE  
ENACTMENTS REPEALED

Section 50.

| Session and Chapter        | Short Title                                                                     | Extent of Repeal                                                              |
|----------------------------|---------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| 25 & 26 Vict.<br>c. 68.    | The Fine Arts Copyright Act, 1862.                                              | The whole Act.                                                                |
| 2 Edw. 7. c. 15.           | The Musical (Summary Proceedings) Copyright Act, 1902.                          | The whole Act.                                                                |
| 6 Edw. 7. c. 36.           | The Musical Copyright Act, 1906.                                                | The whole Act.                                                                |
| 1 & 2 Geo. 5.<br>c. 46.    | The Copyright Act, 1911.                                                        | The whole Act, except sections fifteen, thirty-four and thirty-seven thereof. |
| 18 & 19 Geo. 5.<br>c. lii. | The Copyright Order Confirmation (Mechanical Instruments: Royalties) Act, 1928. | The whole Act.                                                                |
| 11 & 12 Geo. 6.<br>c 7.    | The Ceylon Independence Act, 1947.                                              | Paragraph 10 of the Second Schedule.                                          |

Table of Statutes referred to in this Act

| Short Title                                                  | Session and Chapter                   |
|--------------------------------------------------------------|---------------------------------------|
| Copyright Act, 1775 ... ..                                   | 15 Geo. 3. c. 53.                     |
| Public Record Office Act, 1838 ... ..                        | 1 & 2 Vict. c. 94.                    |
| Interpretation Act, 1889 ... ..                              | 52 & 53 Vict. c. 63.                  |
| Copyright Act, 1911 ... ..                                   | 1 & 2 Geo. 5. c. 46.                  |
| Dramatic and Musical Performers' Protection Act, 1925 ... .. | 15 & 16 Geo. 5. c. 46.                |
| Children and Young Persons (Scotland) Act, 1937              | 1 Edw. 8. & 1 Geo. 6.<br>c. 37.       |
| Cinematograph Films Act, 1938 ... ..                         | 1 & 2 Geo. 6. c. 17.                  |
| Limitation Act, 1939 ... ..                                  | 2 & 3 Geo. 6. c. 21.                  |
| Education Act, 1944 ... ..                                   | 7 & 8 Geo. 6. c. 31.                  |
| Education (Scotland) Act, 1946 ... ..                        | 9 & 10 Geo. 6. c. 72.                 |
| Crown Proceedings Act, 1947 ... ..                           | 10 & 11 Geo. 6. c. 44.                |
| British Nationality Act, 1948 ... ..                         | 11 & 12 Geo. 6. c. 56.                |
| Wireless Telegraphy Act, 1949 ... ..                         | 12, 13 & 14 Geo. 6.<br>c. 54.         |
| Registered Designs Act, 1949 ... ..                          | 12, 13 & 14 Geo. 6.<br>c. 88.         |
| Arbitration Act, 1950 ... ..                                 | 14 Geo. 6. c. 27.                     |
| Customs and Excise Act, 1952 ... ..                          | 15 & 16 Geo. 6 &<br>1 Eliz. 2. c. 44. |

## CHAPTER 75

### *Education (Scotland) Act, 1956*

#### ARRANGEMENT OF SECTIONS

##### Section

1. Safety of pupils going to and from school.
2. Amendment of s. 7 of principal Act.
3. Further provision as to enforcement of attendance at school.
4. Amendment of s. 43 of principal Act.
5. Provision of transport and travelling expenses.
6. Duties of education authorities as to dental treatment.
7. Discontinuance of provision for inspection of schools at request of managers.
8. Accountant's annual report.
9. Training of teachers and certificates of competency.
10. Replacement of Teachers Superannuation Scheme.
11. Accounts and audit of educational endowments.
12. Appeal against educational endowment schemes on questions of law.
13. Minor and consequential amendments and repeals.
14. Citation, extent, commencement and construction.

##### SCHEDULES:

- First Schedule—Minor and consequential amendments.  
Second Schedule—Enactments repealed.

**An Act to amend the Education (Scotland) Act, 1946,  
and certain other enactments relating to education in  
Scotland and for purposes connected therewith.**

[5th November, 1956]

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

1.—(1) Subject to the provisions of this section and with the approval of the Secretary of State an education authority shall have power for the purpose of reducing the risk of accident to pupils going to or returning from schools or other educational establishments in their area and under their management, or while actually present at such schools or establishments, to do work to improve the safety of any private road which is used by these pupils or which is in the vicinity of such a school or establishment, and to provide or arrange for the provision of safety barriers at or near the entrances to such schools and establishments.

Safety of  
pupils going  
to and from  
school.

(2) Any work for the purpose of the last foregoing subsection may be undertaken by the education authority in co-operation with any other person.

(3) For the purpose of subsection (1) of this section an education authority may enter on and carry out work on any land:

Provided that where an education authority propose to carry out any such work on land which is in possession of another person, the authority shall obtain the consent of the owner and of the occupier of such land, or shall satisfy the Secretary of State that the owner or the occupier cannot be found.

(4) Where an education authority propose to provide or arrange for the provision of safety barriers for the purpose of subsection (1) of this section on any road, the authority shall—

- (a) if it is a public road, obtain the consent of the authority responsible for the maintenance of such road ;
- (b) if it is a private road, consult the authority responsible for the maintenance of public roads in the area in which that private road is situated.

(5) For the purposes of this section the expression “ public road ” means a road or street managed and maintained by the Secretary of State or by a county or town council, and the expression “ private road ” means any road, street or path other than a public road, and includes any ford or bridge over which a private road passes.

Amendment  
of s. 7 of  
principal Act.

2. For subsection (1) of section seven of the Education (Scotland) Act, 1946 (hereinafter in this Act referred to as "the principal Act") the following subsection shall be substituted—

"(1) The functions of an education authority under the foregoing provisions of this Act shall be exercised in accordance with schemes prepared as hereinafter provided and approved by the Secretary of State under section sixty-five of this Act, except where such functions relate to—

- (a) further education as described in paragraphs (b) and (c) of subsection (5) of section one of this Act; or
- (b) such facilities as are mentioned in section three of this Act; or
- (c) special educational treatment other than in special schools."

Further  
provision as  
to enforcement  
of attendance  
at school.

3.—(1) Where—

- (a) an education authority in the exercise of the powers conferred upon them by subsection (2) of section thirty-five of the principal Act (which relates to failure to attend a public school regularly) postpone a decision as to whether to prosecute a parent; or
- (b) a court before which a prosecution has been brought under section thirty-eight of the principal Act (which relates to legal proceedings) for an offence against section thirty-five of the said Act is satisfied that a child has failed without reasonable excuse to attend regularly at school, but does not, in the exercise of the powers conferred upon it by subsection (2) of the said section thirty-eight, direct that the child be brought before a juvenile court;

the education authority or the court, as the case may be, may, if the child is still of school age, make an attendance order requiring the parent to cause the child to attend the public school which he has been attending, or, if the child has changed his residence, a school attended by children residing in the same neighbourhood as the child.

(2) The provisions of subsection (2), in so far as they relate to the school to be named in an attendance order, and of subsections (5), (6), (7) and (8) of section thirty-six of the principal Act (which relates to attendance orders) shall apply in relation to an attendance order made under the last foregoing subsection, and the provisions of subsections (3) and (4) of the said section shall apply in relation to an order so made by an education authority.

(3) Where a child in respect of whom an attendance order is in force moves his residence, the education authority of the area

to which the child has moved may amend that order by substituting for the name of the school appearing in the order the name of a school attended by children residing in the same neighbourhood as the child, and the provisions of subsection (5) of the said section thirty-six shall apply in the making of any amendment to such an order under this subsection.

(4) In the last foregoing subsection the expression "attendance order" means an order made under subsection (1) of this section or under the said section thirty-six.

(5) Without prejudice to the institution of proceedings for an offence against section thirty-five or section thirty-six of the principal Act or the exercise of the power conferred by subsection (2) of section thirty-eight of that Act (which empowers a court to direct that a child be brought before a juvenile court), where a child of school age has failed to attend a public school regularly, the education authority concerned may, if satisfied that it is necessary so to do for the purpose of securing the regular attendance of the child at school, direct that the child be brought before a juvenile court, and that court shall have in respect of any child so brought before it the like power as is conferred on such a court by the said subsection (2).

(6) The provisions of subsection (4) of section thirty-eight of the principal Act shall apply in relation to any child with respect to whom a direction has been given under the last foregoing subsection, as they do in relation to a child with respect to whom a direction has been given under that section.

4. After subsection (3) of section forty-three of the principal Act (which empowers education authorities to enable persons to take advantage of educational facilities), there shall be inserted the following subsection—

Amendment  
of s. 43 of  
principal Act.

"(3A) The said regulations shall include a provision requiring an education authority, in assessing the amount of any scholarship, bursary or other allowance granted under subsection (1) of this section to a person over school age, to include a sum for the maintenance of dependants of any such person."

5. For section forty-five of the principal Act (which relates to the provision of transport and other facilities) there shall be substituted the following section—

Provision of  
transport and  
travelling  
expenses.

"45.—(1) An education authority shall make such arrangements as they consider necessary or as the Secretary of State may direct for the provision of any of the following facilities in respect of pupils attending schools or other educational establishments—

- (a) for their conveyance without charge for the whole or part of the journey between their homes and the schools or other educational establishments which they are attending ;
- (b) for making bicycles or other suitable means of transport available to the pupils, or to their parents for the use of the pupils, upon such terms and conditions as may be arranged, or for paying money allowances in lieu thereof ;
- (c) for paying the whole or any part, as the authority think fit, of their reasonable travelling expenses,

and any such arrangement may in respect of any pupil make provision for more than one of the facilities specified in the foregoing paragraphs of this subsection.

(2) Where the requirements of pupils, for the conveyance of whom arrangements have been made by an education authority under paragraph (a) of the last foregoing subsection, have been met, it shall be the duty of that authority, where there are any vacant places in any vehicle used for such conveyance, to allow such vacant places to be used without charge by other pupils to be selected by the authority.

(3) Where as a condition of admission to any educational institution a person is required to attend for examination or interview at a particular place, the education authority may pay the whole or part of the expenses necessarily incurred by that person in respect of such attendance."

Duties of  
education  
authorities  
as to dental  
treatment.

6.—(1) It shall be the duty of every education authority to make such arrangements as are necessary for securing that there are available for pupils in attendance at any public school and young persons in attendance at any junior college or other educational establishment under their management comprehensive facilities for free dental treatment provided either—

- (a) by persons employed or engaged by, and at the expense of, the authority, either regularly (whether whole-time or part-time) or for the purposes of particular cases ; or
- (b) under arrangements made by a Regional Hospital Board within the meaning of the National Health Service (Scotland) Act, 1947 ;

or partly in the one way and partly in the other ; and every education authority shall have power to make arrangements for rendering available to other pupils in attendance at any educational establishment under their management any facilities which they have caused to be made available in the discharge of the duty imposed on them by the foregoing provisions of this subsection.



(2) Subsections (4) to (7) of section fifty-one of the principal Act (which provide for the medical supervision and treatment of pupils at schools and other educational establishments and for the furnishing of information to the Secretary of State) shall have effect as if references to the facilities mentioned in subsection (3) of that section, to medical treatment provided under that section and to functions of the education authority under that section included respectively references to the facilities rendered available in pursuance of subsection (1) of this section, to dental treatment provided under that subsection and to functions of an education authority under that subsection.

(3) Section five of the Education (Miscellaneous Provisions) Act, 1953, (which relates to the duties of education authorities in Scotland as to dental treatment) is hereby repealed.

7. Section sixty-two of the principal Act (which relates to inspection of certain schools on the request of their managers) shall cease to have effect.

Discontinuance  
of provision  
for inspection  
of schools  
at request of  
managers.

8. For section seventy-five of the principal Act (which relates to the laying of abstracts of receipts and expenditure before Parliament) there shall be substituted the following section—

Accountant's  
annual report.

“ 75.—(1) The Accountant shall prepare and submit to the Secretary of State an annual report which shall include abstracts in such detail as the Secretary of State may require of the accounts of—

- (a) all education authorities, including the accounts of educational endowments within the meaning of Part VI of this Act administered by them ;
- (b) all governing bodies of grant-aided schools and other grant-aided educational establishments ;
- (c) all other bodies providing educational services in respect of which they receive grant ;
- (d) all governing bodies of educational endowments whose accounts the Accountant is empowered to examine under subsection (4) of section one hundred and twenty-two of this Act ; and
- (e) all bodies of managers of approved schools within the meaning of the Children and Young Persons (Scotland) Act, 1937 :

Provided that the Secretary of State may direct that abstracts of the accounts of any body or category of bodies falling within the description in paragraph (b) or paragraph (c) may be omitted from the report.

(2) The report of the Accountant shall be laid before Parliament as soon as may be after it has been submitted to the Secretary of State."

Training of teachers and certificates of competency.

9. For section seventy-seven of the principal Act there shall be substituted the following section—

" 77.—(1) Subject to the provisions of this section, the Secretary of State may award—

- (a) certificates of competency to teach in schools or other educational establishments, and
- (b) documents recognising persons as competent to fulfil the duties of leaders in service in connection with organised cultural, social and physical training and other leisure-time occupation.

(2) The Secretary of State may by regulations constitute, alter the constitution of, incorporate and dissolve committees and other bodies for the training of teachers and leaders and may prescribe the duties to be performed by the said committees or other bodies, may confer upon them such powers as may seem appropriate, and may make such consequential, ancillary and incidental provisions as may appear to him to be expedient.

(3) Without prejudice to the generality of the provisions of the last foregoing subsection, regulations under this section may—

- (a) prescribe the courses of education and training to be provided by the said committees or other bodies, and may delegate to the said committees or other bodies the power to award any of the certificates or documents which the Secretary of State is empowered to award under subsection (1) of this section ;
- (b) empower any such committee or other body—
  - (i) to provide short courses, or to arrange conferences, for teachers, leaders or other persons either by such committee or other body alone or in co-operation with education authorities or other bodies ; and
  - (ii) to give assistance or advice to education authorities or other bodies in the provision by them of such courses or the arrangement of such conferences as aforesaid ;
- (c) prescribe the types of certificates and documents which may be awarded under this section, the qualifications which such certificates and documents may attest, the conditions to be fulfilled to qualify for the

award of such certificates and documents and the circumstances in which the Secretary of State may suspend or withdraw such certificates and documents.

(4) The National Committee, the Provincial Committees and the Committees of Management shall be deemed to be committees constituted under subsection (2) of this section."

**10.** For section one hundred and one of the principal Act (which relates to the approval and effect of the Teachers Superannuation Scheme) there shall be substituted the following section—

Replacement  
of Teachers  
Superannua-  
tion Scheme.

" 101.—(1) The Secretary of State may make regulations providing for the superannuation of teachers, and any such regulations may amend or revoke the Teachers Superannuation Scheme, including the articles set forth in the Third Schedule to this Act.

(2) Regulations made under this section shall prescribe the date upon which these regulations are to come into operation, and different dates may be prescribed for different parts of the said regulations, and any date so prescribed may be a date earlier than the date upon which the regulations are made, so, however, that so much of any regulations as provides that any provision thereof is to have effect from a date prior to the making of the regulations shall not place any teacher affected by them in a worse position than he would have been if the regulations had been made to have effect only as from the date of the making thereof.

(3) The provisions of Part IV of and the Third Schedule to this Act shall apply to any regulations made under this section as they apply to the Teachers Superannuation Scheme."

**11.—**(1) For section one hundred and twenty-two of the principal Act there shall be substituted the following section—

Accounts and  
audit of  
educational  
endowments.

" 122.—(1) It shall be the duty of the governing body of every educational endowment administered under a scheme made by the Court of Session which provides for the audit of the accounts of that endowment in such manner as the Secretary of State may prescribe, or administered under a provisional order made under the Act of 1878, or under a scheme made under the Act of 1882, the Acts of 1928 to 1935, or this Act, other than any such endowment to which the provisions of subsection (2) of section one hundred and ninety-six of the Local Government (Scotland) Act, 1947, apply, to comply with the following provisions of this section.

(2) The governing body of every endowment to which this section applies shall keep proper accounts and other records in relation to the functioning of that body, and shall prepare in respect of each financial year a statement of accounts in such form as the Secretary of State, or, in the case of a university endowment or the Carnegie Trust, the Scottish Universities Committee of the Privy Council, may by order direct.

(3) The accounts of every endowment to which this section applies shall be audited each year by an auditor appointed by the governing body with the approval of the Secretary of State, or, in the case of a university endowment or the Carnegie Trust, of the Scottish Universities Committee of the Privy Council.

(4) The governing body of every endowment to which this section applies, other than a theological endowment a university endowment or the Carnegie Trust, shall, within such period after the end of the financial year of the endowment as the Secretary of State may direct, send such copies as the Accountant may require of the audited accounts of the endowment to the Accountant, who may examine these accounts and call for any other records kept in pursuance of subsection (2) of this section and for such additional information as he may require.

(5) Where the Accountant is of the opinion that the governing body of any endowment, the accounts of which he has examined in pursuance of the last foregoing subsection, have not complied in any respect with any enactment, deed or other instrument applying to them, he shall so report to that body and shall afford to them an opportunity of satisfying him that they are not in default.

(6) Where the Accountant is not satisfied as aforesaid, he shall, unless in his opinion any default is of minor importance, report such default to the Secretary of State.

(7) The Accountant shall each year send a copy of the audited accounts of every endowment which he has power to examine under subsection (4) of this section to the Registrar of Educational Endowments, who shall make such accounts available for public inspection at all reasonable times."

(2) The provisions of any governing instrument referred to in subsection (1) of section one hundred and twenty-two of the principal Act relating to the keeping, audit or publication of the accounts of any educational endowment are hereby revoked except in so far as they prescribe the financial year of any such endowment, and any such provision in a scheme framed under subsection (4) or in an amended scheme framed under subsection

(5) of section one hundred and twenty-three of the principal Act which has not been approved by Order in Council under section one hundred and twenty-five of the principal Act before this Act comes into operation shall be of no force or effect.

**12.—(1)** For section one hundred and twenty-four of the principal Act (which relates to appeals to the Court of Session on questions of law) there shall be substituted the following section—

“ 124. If—

(a) the governing body of any endowment to which a scheme or an amended scheme relates, or any other person directly affected by any such scheme, feels aggrieved by the scheme on the ground that it is not within the scope of, or is not made in conformity with, this Part of this Act, or

(b) any person holding any office, place or employment, or receiving any pension, compensation allowance, bursary or emolument under or arising out of any endowment dealt with by such a scheme, feels aggrieved by the scheme on the ground that it does not comply with the provisions of this Part of this Act as to saving or making due compensation for his vested interests,

such governing body or other person may, within one month after the publication of the scheme, appeal to the Court of Session, and, if the Court decides that the scheme is contrary to law on any of the grounds in this section mentioned, the Secretary of State shall not confirm the said scheme, but he may, if he thinks fit, frame an amended scheme.”

(2) Nothing in the provisions of this section shall affect any proceedings instituted before the coming into operation of this Act.

**13.—(1)** The amendments set forth in Part I and Part II of the First Schedule to this Act, being amendments which relate to minor matters or amendments consequential upon amendments made by this Act, shall be made in the principal Act and in the Acts specified in Part II respectively.

(2) The enactments set out in the Second Schedule to this Act shall be repealed to the extent specified in the third column of that Schedule.

**14.—(1)** This Act may be cited as the Education (Scotland) Act, 1956.

(2) This Act shall extend to Scotland only.

Appeal against educational endowment schemes on questions of law.

Minor and consequential amendments and repeals.

Citation, extent, commencement and construction.

(3) This Act shall come into operation at the expiration of one month beginning with the date of its passing.

(4) The Education (Scotland) Acts, 1939 to 1953, and this Act shall be construed as one and may be cited together as the Education (Scotland) Acts, 1939 to 1956.

## SCHEDULES

### FIRST SCHEDULE

Section 13.

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### PART I

#### *Education (Scotland) Act, 1946, 9 and 10 Geo. 6. c. 72*

In section seventeen, at the end there shall be inserted the following subsection—

“(6) For the avoidance of doubt the last foregoing subsection shall apply and shall be deemed always to have applied in relation to all teachers and other officers employed by an education authority whether or not any such teacher and other officer is employed in or about an educational establishment.”

In section twenty-two, in paragraph (b) of subsection (1) after the word “sell,” there shall be inserted the word “feu.”

In section thirty-five, in subsection (2) after the words “this section” there shall be inserted the words “in respect of a child resident in their area”, and for the words “one month” there shall be substituted the words “six weeks”.

In section thirty-six, in subsection (6) after the words “was made” there shall be inserted the words “or amended”, and in subsection (7) the words “and continues to reside in their area” shall be omitted.

In section seventy, in paragraph (10) for the words “pupils over school age” there shall be substituted the word “persons”; at the end of that paragraph there shall be inserted the words “and to maintain any persons dependent on them while so doing”.

In section seventy-nine, after subsection (1) there shall be inserted the following subsection—

“(1A) Regulations made under this section may include provisions as to the application of any scales prescribed therein to the salaries of teachers, and may make such consequential, ancillary and incidental provisions as appear to the Secretary of State to be necessary or desirable.”

In section eighty-eight the words from “Such expenses” to the end of the section shall be omitted and at the end of the section there shall be added the following subsection—

“(2) Without prejudice to the generality of the last foregoing subsection the expenses which may be authorised under the said subsection may include—

(a) contributions to any association of education authorities concerned in the consideration of educational questions;

- (b) travelling and other expenses necessarily incurred by a teacher or other officer of the education authority with the approval of that authority in the performance of, or for the purpose of, his functions as a teacher or officer, as the case may be ; and
- (c) expenses of removal and of the temporary accommodation of any such teacher or officer ordinarily resident in the area of another education authority who has been appointed to the service of the authority concerned."

1st SCH.  
—cont.

In section one hundred and eight, in subsection (1) the definition of "Service" shall be omitted.

In section one hundred and nine, in subsection (1), for paragraph (a) there shall be substituted the following paragraph—

"(a) where the proprietor of an independent school makes application for the purpose and furnishes the information required by regulations made under this section, such of the particulars prescribed by regulations so made as the Secretary of State may direct, and"

In section one hundred and sixteen, in paragraph (d) of subsection (1) after the words "or new" there shall be inserted the words ", and for dissolving any governing body whose endowment is transferred to another governing body", and in subsection (5) the words from "and that the accountant" to the end of the subsection shall be omitted.

In section one hundred and seventeen, in subsection (1) for the words "contained in the governing instrument of the endowment" there shall be substituted the words "relating to the land in any Act, deed or other instrument", and in subsection (3) the words "a governing instrument containing" shall be omitted.

In section one hundred and twenty-three, in subsection (2) the words "or a proper abstract thereof" shall be omitted, and in subsection (5) the words "or a proper abstract of it" shall be omitted and for the words from "After the expiration" to "the Secretary of State may" there shall be substituted the words "Subject to the provisions of the next following section, the Secretary of State may, after the expiration of the said month,".

In section one hundred and thirty-four, in subsection (1) in the definition of "Educational purposes" for the words "of poor children" there shall be substituted the words "of poor persons under the age of twenty-one years".

In section one hundred and forty-three, in subsection (1) for the definition of "Central Institution" there shall be substituted the following definition—

"Central Institution" means an educational establishment for the provision of further education recognised as a central institution by regulations made by the Secretary of State ; and".

In the definition of "grant-aided school" at the end there shall be added the following words " , but does not include a public school".

1ST SCH.  
—cont.

PART II

ENACTMENTS OTHER THAN EDUCATION (SCOTLAND) ACT, 1946

*Local Government (Scotland) Act, 1947, 10 and 11 Geo. 6. c. 43*

In head (ii) of paragraph (a) of section one hundred and twenty-five for the word "committee" there shall be substituted the word "sub-committee".

In the Sixth Schedule in the maximum period for repayment of a loan under the Education (Scotland) Act, 1946, for the word "fifty" there shall be substituted the word "sixty".

*Criminal Justice (Scotland) Act, 1949, 12, 13 and 14 Geo. 6. c. 94*

In section seventy, in paragraph (b) of subsection (1) the words "and the order for his detention was made in respect of an offence" shall be omitted.

In section seventy-two, in subsection (1) after "1946" there shall be inserted the words "or an order made under section three of the Education (Scotland) Act, 1956".

Section 13.

SECOND SCHEDULE  
ENACTMENTS REPEALED

| Session and Chapter                            | Short Title                                                                                | Extent of Repeal                                                                                                                                                                                                                                                                                |
|------------------------------------------------|--------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 9 & 10 Geo. 6. c. 72.<br>1 & 2 Eliz. 2. c. 33. | The Education (Scotland) Act, 1946.<br>The Education (Miscellaneous Provisions) Act, 1953. | Section sixty-two.<br>The Sixth Schedule.<br>Section five.<br>Section nineteen.<br>In section twenty, in subsection (2) the words "except section five thereof", in subsection (3) the words "except as aforesaid" and in subsection (5) the words "except sections five and nineteen thereof". |
| 4 & 5 Eliz. 2. c. 53.                          | The Teachers (Superannuation) Act, 1956.                                                   | In section thirty-two, paragraph (2).                                                                                                                                                                                                                                                           |

Table of Statutes referred to in this Act

| Short Title                                      | Session and Chapter         |
|--------------------------------------------------|-----------------------------|
| Children and Young Persons (Scotland) Act, 1937  | 1 Edw. 8 & 1 Geo. 6. c. 37. |
| Education (Scotland) Act, 1946 ... ..            | 9 & 10 Geo. 6. c. 72.       |
| National Health Service (Scotland) Act, 1947 ... | 10 & 11 Geo. 6. c. 27.      |
| Local Government (Scotland) Act, 1947... ..      | 10 & 11 Geo. 6. c. 43.      |
| Criminal Justice (Scotland) Act, 1949 ... ..     | 12, 13 & 14 Geo. 6. c. 94.  |
| Education (Miscellaneous Provisions) Act, 1953   | 1 & 2 Eliz. 2. c. 33.       |
| Teachers (Superannuation) Act, 1956 ... ..       | 4 & 5 Eliz. 2. c. 53.       |



**CHAPTER 76***Medical Act, 1956***ARRANGEMENT OF SECTIONS****PART I****THE GENERAL MEDICAL COUNCIL AND THE BRANCH COUNCILS****Section**

1. The General Medical Council.
2. Nominated members.
3. Appointed members.
4. Elected members.
5. President of the General Council.
6. Branch councils.

**PART II****MEDICAL EDUCATION AND REGISTRATION: PERSONS QUALIFYING IN ENGLAND, WALES, SCOTLAND OR IRELAND**

7. Registration of medical practitioners.
8. Additional qualifications and additional primary qualifications.
9. Appointment of visitors of medical schools.
10. Standard of proficiency for qualification.
11. What examinations qualifying.
12. Combined examinations.
13. Powers of Privy Council where courses of study or examinations for registrable qualifications insufficient.
14. Candidates not to be compelled to adopt or reject particular theories of medicine or surgery.
15. Experience required for full registration.
16. Special provisions as to employment in Health Centres.
17. Provisional registration.

**PART III****REGISTRATION OF COMMONWEALTH AND FOREIGN PRACTITIONERS**

18. Registration of Commonwealth and foreign practitioners.
19. Countries to which Part III applies.
20. Recognition of Commonwealth and foreign qualifications.
21. Registration of further qualifications.
22. Experience required for full registration of Commonwealth and foreign practitioners.
23. Provisional registration of Commonwealth and foreign practitioners.
24. Appeal against refusal of registration.
25. Temporary registration, for employment in hospitals in United Kingdom, of persons with Commonwealth or foreign qualifications.
26. Power of Privy Council to direct recognition of qualifications.

**PART IV****PRIVILEGES OF REGISTERED PRACTITIONERS**

27. Recovery of fees.
28. Appointments not to be held except by fully registered persons.
29. Certificates invalid if not by fully registered practitioner.

## Section

30. Exemption of fully registered practitioners from liability to certain offices.  
 31. Penalty for pretending to be registered.

## PART V

## ERASURE AND RESTORATION TO REGISTER

32. The Disciplinary Committee.  
 33. Erasure from register for conviction of crime or for infamous conduct.  
 34. Restoration of names to register.  
 35. Erasure from register on grounds of fraud or error.  
 36. Appeal against erasure from register.  
 37. Procedure of Disciplinary Committee.  
 38. Assessors to Disciplinary Committee.  
 39. Arrangements with Medical Registration Council of Republic of Ireland.

## PART VI

## THE REGISTRARS, THE REGISTERS AND PROCEDURE FOR REGISTRATION

40. The registrars.  
 41. The registers.  
 42. Procedure for registration.  
 43. Procedure on erasure or restoration.  
 44. Co-ordination of central and local registers.  
 45. Registration fees.  
 46. The Medical Register and the Register of Provisional Medical Registrations.

## PART VII

## GENERAL AND SUPPLEMENTARY

47. The British Pharmacopoeia.  
 48. Registration of diplomas in public health, sanitary science or state medicine.  
 49. Powers of Privy Council on default by General Council.  
 50. Exercise of powers of Privy Council, and evidence thereof.  
 51. Proof of orders.  
 52. Construction of references to registration, etc., in other enactments.  
 53. Chemists etc., not to be affected.  
 54. Interpretation.  
 55. Provisions as to penalties in Scotland.  
 56. Application to Northern Ireland.  
 57. Repeal, transitional provisions and savings.  
 58. Short title and commencement.

## SCHEDULES:

First Schedule—Supplementary Provisions relating to General Council and Branch Councils.

Second Schedule—Provisions as to Election of Members of General Council.

Third Schedule—Registrable Qualifications for purposes of Part II.

Fourth Schedule—Provisions as to Proceedings of Disciplinary Committee.

Fifth Schedule—Enactments Repealed.

An Act to consolidate certain enactments relating to medical practitioners with corrections and improvements made under the Consolidation of Enactments (Procedure) Act, 1949. [5th November, 1956]

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

## PART I

### THE GENERAL MEDICAL COUNCIL AND THE BRANCH COUNCILS

1.—(1) There shall continue to be a council, called the General Medical Council, consisting, subject to the provisions of this Act, of— The General Medical Council.

- (a) eight members (hereinafter referred to as “nominated members”) nominated by Her Majesty,
- (b) twenty-eight members (hereinafter referred to as “appointed members”) chosen by the bodies hereinafter mentioned, and
- (c) eleven members (hereinafter referred to as “elected members”) elected by medical practitioners as hereinafter provided.

(2) The said council (hereinafter referred to as “the General Council”) shall be a body corporate by the name of the General Medical Council, having perpetual succession and a common seal with power to hold land for the purposes of this Act without licence in mortmain.

(3) The provisions in that behalf of the First Schedule to this Act shall have effect as to the proceedings of the General Council and other matters relating to the Council.

2.—(1) Of the nominated members, five shall be persons who are fully registered and three shall be persons who are neither fully registered nor holders of any qualification registrable under this Act. Nominated members.

(2) Of the said five nominated members three shall be nominated for England and Wales, one for Scotland and one for Northern Ireland; and of the said three members two shall be nominated for England and Wales and one for Scotland.

(3) The members nominated for England and Wales and for Scotland shall be nominated on the advice of the Privy Council, and the member nominated for Northern Ireland shall be nominated by Her Majesty in Council on the recommendation of the Governor of Northern Ireland.

**PART I**  
—*cont.*

(4) Nomination shall be for a term not exceeding five years, and a person may be nominated to be a member of the General Council who has previously been a member thereof.

(5) A nominated member may at any time resign his office by letter addressed to the President of the General Council.

(6) Upon the death or resignation of a nominated member, a person shall be nominated to be a member in his place in accordance with the provisions applying to the nomination of the person dying or retiring.

**Appointed  
members.**

3.—(1) Subject to the provisions of this section one of the appointed members of the General Council shall be chosen by each of the following bodies, namely, the Universities of Oxford, Cambridge, Durham and London, the Victoria University, Manchester, the Universities of Birmingham, Liverpool, Leeds, Sheffield, Bristol, Wales, St. Andrews, Glasgow, Aberdeen and Edinburgh, the Queen's University of Belfast, the University of Dublin, the National University of Ireland, the Royal College of Physicians of London, the Royal College of Physicians of Edinburgh, the Royal College of Physicians of Ireland, the Royal College of Surgeons of England, the Royal College of Surgeons of Edinburgh, the Royal Faculty of Physicians and Surgeons of Glasgow, the Royal College of Surgeons in Ireland, the Royal College of Obstetricians and Gynaecologists, the Society of Apothecaries of London and the Apothecaries' Hall, Dublin.

(2) Where at any time it appears to the General Council that a university or other body situated in England or Wales, or situated in Scotland, or situated in Ireland, being a body—

(a) having power to grant a diploma in respect of medicine, surgery or midwifery, or any of them, or any branch of medicine or surgery, but

(b) not having for the time being power to choose an appointed member, either alone or jointly with another body,

is of sufficient importance to be worthy of such a privilege, the General Council may represent to the Privy Council that it is expedient to confer on the university or other body power to choose an appointed member, either alone or jointly with another body or bodies similarly situated and having power to grant such a diploma as aforesaid.

In this subsection the expression "diploma" includes any degree, fellowship, membership, licence, authority to practise, letters testimonial, certificate or other status or document.

(3) Where at any time it appears to the General Council that a university or other body which for the time being has power to choose an appointed member jointly with another body or

bodies is of sufficient importance to be worthy of such a privilege, the General Council may represent to the Privy Council that it is expedient to confer on the university or body power to choose an appointed member by itself.

PART I  
—cont.

(4) Where it appears to the General Council that a university or other body having power to choose an appointed member, either alone or jointly with another body or bodies, has so diminished in importance as not to be entitled to that privilege, the General Council may represent to the Privy Council that it is expedient that the university or body should cease to have the power of choosing an appointed member, or should cease to have the power of choosing an appointed member by itself but have power to choose an appointed member jointly with another body or bodies.

(5) Her Majesty may by Order in Council give effect to any representation made to the Privy Council under this section, and any such Order may make such amendments in paragraph (b) of subsection (1) of section one of this Act and in subsection (1) of this section as are necessary for giving effect to the Order.

A draft of any such Order shall be laid before Parliament.

(6) A person shall not be capable of being chosen as an appointed member by a body other than a university, or by two or more bodies any of which is not a university, unless he is fully registered.

(7) The choosing of an appointed member shall be for a term not exceeding five years, and a person may be chosen to be an appointed member who has previously been a member of the General Council.

(8) An appointed member may at any time resign his office by letter addressed to the President of the General Council.

(9) Upon the death or resignation of an appointed member a person shall be chosen to be a member in his place in accordance with the provisions applying to the choosing of the person dying or retiring.

4.—(1) Subject to the provisions of this section—

Elected  
members.

- (a) eight of the elected members shall be elected by the fully registered persons who are resident in England and Wales, and one of those eight members shall be elected as a person resident in Wales ;
- (b) two of the elected members shall be elected by the fully registered persons who are resident in Scotland ; and
- (c) one of the elected members shall be elected by the fully registered persons who are resident in Ireland.

**PART I**  
—*cont.*

(2) The General Council may at any time represent to the Privy Council that it is expedient to confer on the fully registered persons resident in England and Wales, on those resident in Scotland, or on those resident in Ireland, the power of returning an additional member to the General Council ; and—

(a) Her Majesty may by Order in Council give effect to any such representations,

(b) any such Order may make such amendments in paragraph (c) of subsection (1) of section one of this Act and in subsection (1) of this section as are necessary for giving effect to the Order,

(c) a draft of any such Order shall be laid before Parliament.

(3) A person to be elected a member of the General Council must be fully registered.

(4) An elected member may at any time resign his office by letter addressed to the President of the General Council.

(5) Subject as hereinafter provided, the term of office of elected members shall be five years.

(6) Where an elected member dies before completion of his term of office, or resigns, a person shall be elected in his place to hold office for the residue of the term for which his predecessor might have held office :

Provided that on the death or resignation of an elected member within twelve months before the date on which his term of office would have come to an end by effluxion of time, the vacancy shall not be filled for the residue of that term.

(7) A person may be elected a member of the General Council who has previously been a member thereof.

(8) The provisions of the Second Schedule to this Act shall have effect as to the procedure for elections, the time for the beginning of an elected member's term, and the defraying of the expenses of and incidental to elections.

President of  
the General  
Council.

5.—(1) There shall continue to be a President of the General Council elected by the Council from among their number.

(2) The President shall be elected for a term not extending beyond the expiration of the term for which he has been nominated, chosen or elected to be a member of the General Council.

Branch  
councils.

6.—(1) There shall continue to be branch councils for England and Wales, for Scotland, and for Ireland.

(2) Each branch council shall consist of the President of the General Council and of the nominated members nominated for

the area for which the branch council subsists, the appointed members chosen by universities or other bodies in that area, and the elected members elected by the practitioners resident in that area.

**PART I**  
—cont.

(3) There shall be delegated to the branch councils such of the powers and duties vested in the General Council as the Council may see fit, other than the power to make representations under subsection (1) of section thirteen or under section fourteen of this Act.

(4) The provisions in that behalf of the First Schedule to this Act shall have effect as to the officers and servants of the branch councils and the expenses and accounts of those councils.

## PART II

### MEDICAL EDUCATION AND REGISTRATION: PERSONS QUALIFYING IN ENGLAND, WALES, SCOTLAND OR IRELAND

7.—(1) Subject to the provisions of this Act, any person who—

Registration of medical practitioners.

- (a) holds one or more primary qualifications, and
- (b) has passed a qualifying examination, and
- (c) satisfies the requirements of this Part of this Act as to experience,

shall be entitled to be registered under this section as a fully registered medical practitioner and to have his primary qualification or qualifications registered thereunder.

(2) In this Act the expression “primary qualification” means any of the qualifications specified in the second column of the Third Schedule to this Act granted by a university or other body specified in relation to that qualification in the first column of that Schedule.

(3) A person holding a primary qualification granted by a university or other body in the Republic of Ireland shall be entitled to be registered under this section notwithstanding that he does not satisfy the requirements of this Part of this Act as to experience if before the first day of January, nineteen hundred and fifty-three he was registered in the register kept in pursuance of the provisions of the law of the Republic of Ireland known as the Medical Practitioners Act, 1927, is for the time being so registered, and apart from the said requirements would be entitled to be registered under this section.

8.—(1) A person holding any of the qualifications specified in the third column of the Third Schedule to this Act granted by a university or other body specified in relation to that qualification in the first column of that Schedule shall if registered

Additional qualifications and additional primary qualifications

**PART II**  
—*cont.*

under the last foregoing section or on becoming so registered be entitled to have the qualification registered in substitution for, or in addition to, any qualifications previously so registered.

A qualification specified and granted as aforesaid is hereinafter referred to as an “additional qualification”.

(2) An additional qualification shall confer on the holder thereof the same rights to registration under the last foregoing section as a primary qualification.

(3) A person, being fully registered, who has acquired any primary qualification in addition to the qualification by virtue of which he was registered shall be entitled to have it registered in addition thereto.

(4) Subsection (1) of this section shall apply to a qualification recognised for the purposes of section eighteen of this Act and granted in a Commonwealth country or foreign country to which Part III of this Act applies, and to a qualification registrable by virtue of subsection (2) of section twenty-one of this Act, as the said subsection (1) applies to an additional qualification.

Appointment  
of visitors  
of medical  
schools.

9.—(1) The General Council may appoint persons, not being members of the Council, to visit, subject to any directions which the Privy Council may deem it expedient to give and to compliance with any conditions specified in such directions, places where instruction is given to medical students under the direction of any university or other body specified in the first column of the Third Schedule to this Act.

(2) It shall be the duty of visitors appointed under this section to report to the General Council as to the sufficiency of the instruction given in the places which they visit and as to any other matters relating to such instruction which may be specified by the Council either generally or in any particular case; but no visitor shall interfere with the giving of any instruction.

(3) On the receipt of any report of a visitor under this section the General Council shall send a copy of the report to the body under whose direction the instruction is given, and on the receipt of any such copy that body may, within such period (not being less than one month) as the Council may have specified at the time they sent the copy of the report, make to the Council observations on the report or objections thereto.

(4) As soon as may be after the expiration of the period specified under the last foregoing subsection the General Council shall send a copy of any such report as is therein referred to and of any observations thereon or objections thereto duly made, together with the Council's comments on the report and on any such observations or objections, to the Privy Council.



(5) The Council may pay to visitors appointed under this section such remuneration, to be paid as part of the expenses of the Council, as the Council with the approval of the Privy Council may determine.

PART II  
—*cont.*

**10.—(1)** The standard of proficiency required from candidates at a qualifying examination shall be such as sufficiently to guarantee the possession of the knowledge and skill requisite for the efficient practice of medicine, surgery and midwifery. Standard of proficiency for qualification.

(2) A body granting any primary or additional qualification shall from time to time, when so required by the General Council, furnish the Council with such information as the Council may require as to—

- (a) the courses of study and examinations to be gone through in order to obtain the qualification ;
- (b) the ages at which such courses of study and examinations are required to be gone through ;
- (c) the age at which the qualification is granted ; and
- (d) generally the requisites for obtaining the qualification.

(3) It shall be the duty of the General Council to secure the maintenance of the standard of proficiency specified in subsection (1) of this section ; and for that purpose the General Council may appoint such number of inspectors as they may determine, and the inspectors shall attend, as the General Council may direct, all or any of the qualifying examinations held by any of the universities and other bodies specified in the first column of the Third Schedule to this Act.

(4) Any member of the General Council or person deputed for that purpose by the Council, or by any branch council, may attend and be present at any examination to be gone through in order to obtain a primary or additional qualification.

(5) Inspectors appointed under subsection (3) of this section shall not interfere with the conduct of any examination, but it shall be their duty to report to the General Council their opinion as to the sufficiency of every examination which they attend, and any other matters relating to such examinations which the General Council may require them to report.

(6) The General Council shall forward a copy of every report of the inspectors to the body or each of the bodies who held the examination to which the report relates and shall also forward a copy of the report, together with any observations thereon made by the said body or bodies, to the Privy Council.

(7) An inspector appointed under subsection (3) of this section shall receive such remuneration, to be paid as part of the expenses of the General Council, as the Council, with the sanction of the Privy Council, may determine.

**PART II**  
—*cont.*

What  
examinations  
qualifying.

**11.**—(1) Subject to the provisions of this Act, a qualifying examination for the purposes of this Part of this Act is an examination in medicine, surgery and midwifery held for the purpose of granting one or more qualifications registrable under this Part of this Act and so held by any of the following:—

- (a) the Universities of Oxford, Cambridge, Durham and London, the Victoria University, Manchester, the Universities of Birmingham, Liverpool, Leeds, Sheffield, Bristol, Wales, St. Andrews, Glasgow, Aberdeen and Edinburgh, the Queen's University of Belfast, the University of Dublin and the National University of Ireland;
- (b) any body in England, Wales, Scotland or Ireland (not being a university) which at the twenty-fifth day of June, eighteen hundred and eighty-six was legally competent to grant one or more qualifications in respect of medicine and surgery conferring the right of registration under the Medical Act, 1858;
- (c) a combination of two or more of the said universities;
- (d) a combination of two or more of the bodies, other than universities, specified in the first column of the Third Schedule to this Act, being a combination including one body at least entitled to grant a qualification in medicine registrable under this Part of this Act and one at least entitled to grant a qualification in surgery so registrable;
- (e) a combination of one or more of the said universities with one or more of the bodies mentioned in the last foregoing paragraph;
- (f) a combination of the Royal College of Obstetricians and Gynaecologists with any of the universities or bodies mentioned in paragraph (a) or (b) of this subsection or with such a combination as is mentioned in paragraph (c), (d) or (e) thereof.

(2) An examination held by such a combination as is mentioned in paragraph (c), (d) or (e) of the last foregoing subsection shall not be a qualifying examination unless the bodies combining are in the same area; and an examination held by a combination which includes the Royal College of Obstetricians and Gynaecologists and two or more other bodies shall not be a qualifying examination unless both or all of the other bodies are in the same area in Great Britain and unless one at least of the other bodies is entitled to grant a qualification in medicine registrable under this Part of this Act and one at least is entitled to grant a qualification in surgery so registrable.

For the purposes of this subsection an area means England and Wales, Scotland or Ireland.

(3) In the event of a new university being at any time created in the Republic of Ireland by Act of the Oireachtas of the Republic with power to hold qualifying examinations in medicine, surgery and midwifery for the purpose of granting medical diplomas conferring the right of registration in the Republic of Ireland in pursuance of the law of the Republic known as the Medical Practitioners Act, 1927, such examinations shall be qualifying examinations for the purposes of this Act if Her Majesty on the recommendation of the General Council is pleased by Order in Council to make a declaration to that effect.

(4) If any of the bodies, other than universities, specified in the first column of the Third Schedule to this Act represents to the General Council that it is unable to enter into combination for the purpose of holding qualifying examinations, and the General Council are satisfied that the body has used its best endeavours to enter into combination as aforesaid and is unable to do so on reasonable terms:—

- (a) the General Council may from time to time, if they think fit, on the application of the body appoint any number of examiners (hereinafter referred to as assistant examiners) to assist at the examinations held by the body for the purpose of granting primary or additional qualifications;
- (b) it shall be the duty of assistant examiners to secure at the examinations the maintenance of the standard of proficiency in medicine, surgery and midwifery required from candidates at qualifying examinations, and for that purpose assistant examiners shall have such powers and perform such duties in the conduct of examinations as the General Council may from time to time by order prescribe;
- (c) assistant examiners shall receive such remuneration, to be paid by the body whose examinations they assist, as the General Council determine,

and any examination held subject to the provisions of this subsection shall be a qualifying examination for the purposes of this Part of this Act.

Nothing in any Act or charter relating to a body shall prevent its admitting to its examinations assistant examiners appointed under this subsection, or its conducting its examinations in accordance with the requirements of this subsection and of any orders made thereunder.

**12.—(1)** Any two or more of the universities and other bodies granting primary or additional qualifications may, with the sanction and under the directions of the General Council, unite

**PART II**  
—*cont.*

or co-operate in conducting examinations held for the purpose of granting such qualifications.

(2) The exercise of the powers conferred by the last foregoing subsection shall, in the case of the Society of Apothecaries of London, be subject not only to the sanction and directions of the General Council but also to the approval of the Privy Council, which may at any time be withdrawn, but subject as aforesaid those powers (including the appointment of examiners) may be exercised by the said Society notwithstanding that the examiners appointed may be more or less than twelve in number, and notwithstanding that the fees to be payable by candidates and for certificates or licences to practise, or any of such fees, may be greater or less than the fees authorised or required to be taken or paid by the Apothecaries Act, 1815, and notwithstanding any other provisions in that Act which apart from this section might prevent or hinder the said Society from availing themselves of the right to unite and co-operate as aforesaid or from exercising any of the powers intended to be conferred on the said Society by the Medical Act, 1858.

**Powers of Privy Council where courses of study or examinations for registrable qualifications insufficient.**

**13.—(1)** If at any time it appears to the General Council that the course of study and examinations to be gone through in order to obtain a primary or additional qualification are not such as to secure the possession by persons obtaining the qualification of the requisite knowledge and skill for the efficient practice of their profession, the General Council may make representations to that effect to the Privy Council; and—

- (a) on any such representations the Privy Council may, if they see fit, order that a qualification granted, after such time as may be specified in the order, in pursuance of the course of study and examinations to which the order relates shall not be a qualification registrable under this Part of this Act; and
- (b) where an order is made under this subsection, no person shall be entitled to be so registered by virtue of any qualification specified in the order and granted after such time as may be so specified.

(2) If at any time it appears to the General Council that the standard of proficiency in medicine, surgery and midwifery, or in any of those subjects or any branch thereof, required from candidates at any qualifying examination is insufficient, the General Council shall make representations to that effect to the Privy Council, and the Privy Council, if they think fit, after considering the representations and any objections thereto made by any university or other body or bodies to which the representations relate, may by order declare that the examinations held by that body or bodies shall be deemed not to be qualifying examinations for the purposes of this Act.

(3) A qualification granted on the passing of an examination to which an order under subsection (2) of this section relates, and granted while the order is in force, shall not entitle the holder thereof to be registered under this Part of this Act; and while such an order is in force—

- (a) the body or bodies to which the order relates shall not be entitled to choose an appointed member of the General Council, either separately or in combination with any other body;
  - (b) any appointed member chosen by the body to which the order relates shall, unless chosen by that body in combination with another body in relation to which no order under this section is for the time being in force, be suspended from taking part in the proceedings of the General Council.
- (4) An order under this section—
- (a) if made under subsection (1) thereof, may be revoked by Her Majesty with the advice of the Privy Council if it is made to appear to Her Majesty, upon further representations from the General Council or otherwise, that the university or other body to which the order relates has made effectual provision, to the satisfaction of the General Council, for the improvement of the course of study or examinations to which the order relates or the mode of conducting those examinations;
  - (b) if made under subsection (2) of this section, may be revoked as aforesaid if upon further representation from the General Council or from any university or other body to which the order relates it seems to Her Majesty expedient so to do;

but the revocation of an order made under subsection (1) of this section shall not entitle any person to be registered by virtue of a qualification granted before the revocation.

14.—(1) If it appears to the General Council that any university or other body specified in the first column of the Third Schedule to this Act has attempted to impose upon any candidate offering himself for examination an obligation to adopt, or to refrain from adopting, the practice of any particular theory of medicine or surgery as a test or condition of admitting him to examination or of granting a certificate, the General Council may make representations to that effect to the Privy Council.

Candidates not to be compelled to adopt or reject particular theories of medicine or surgery.

(2) On any such representations the Privy Council may direct the body to desist from such attempts; and if the body does not comply with the direction the Privy Council may order that

**PART II**  
—*cont.*

no qualification granted by the body shall be registrable under this Part of this Act so long as the body continues to attempt to impose such an obligation as aforesaid.

**Experience  
required  
for full  
registration.**

**15.—(1)** The requirements as to experience mentioned in section seven of this Act are the following.

(2) A person must, after passing a qualifying examination, have been engaged for the prescribed period in employment in a resident medical capacity in one or more approved hospitals or approved institutions and have obtained a certificate under this section.

(3) A person who has been employed as aforesaid may apply to his examining body for a certificate under this section, and if that body are satisfied—

(a) that during the time he has been employed as aforesaid he has been engaged for the prescribed period or minimum period in medicine and for the prescribed period or minimum period in surgery, and

(b) that his service while so employed has been satisfactory, they shall grant him a certificate in the prescribed form that they are satisfied as aforesaid.

(4) Where an applicant for a certificate under this section, while employed as mentioned in subsection (2) thereof, has been engaged in midwifery, the time during which he was so engaged, not exceeding such period as may be prescribed, shall be treated for the purposes of paragraph (a) of the last foregoing subsection either as time spent in medicine or as time spent in surgery or partly as the one and partly as the other, as the applicant may elect.

(5) Where during any period while an applicant for such a certificate as aforesaid has been employed as aforesaid—

(a) he has been engaged both in medicine and also in surgery or midwifery or both, or

(b) he has been engaged in surgery and also in midwifery, the period shall be apportioned for the purposes of the foregoing provisions of this section in such manner as may be determined by his examining body.

(6) Where, on an application in that behalf, a person satisfies the General Council that by reason of lasting physical disability he will be or has been prevented from embarking on, or completing, any period of experience of the practice of surgery or midwifery required for the purposes of this section, the Council may if they think fit direct that the applicant may for those purposes count in lieu thereof experience of the practice of medicine

(in addition to what would otherwise be required in his case for those purposes) acquired in the like manner and for the like period, or, as the case may be, for so much of that period as will have remained uncompleted.

Where the General Council give a direction under this subsection as respects any person they shall give notice of the direction to his examining body.

(7) References in this section to a person's examining body shall be construed as follows:—

- (a) where he claims registration by virtue of a qualification granted on passing a qualifying examination held by two or more bodies jointly, such references shall be construed as references to those bodies acting jointly;
- (b) subject as aforesaid, such references shall be construed as references to the body granting the qualification by virtue of which he claims registration or, where he is entitled to claim registration by virtue of two or more qualifications, such references shall be construed as references to the body granting such one of those qualifications as he may choose.

(8) In this section—

the expression “approved”, in relation to a hospital or institution, means approved for the time being for the purposes of this section by any university or other body specified in the first column of the Third Schedule to this Act, so however that in relation to a person having a registrable qualification granted by a university or other body in the Republic of Ireland the said expression means approved for the time being for the purposes of this section by the Medical Registration Council constituted under the law of the Republic of Ireland or a body acting on behalf of that Council;

the expression “prescribed” means prescribed by regulations of the General Council; and

references to employment in a resident medical capacity shall be construed as references to employment in the practice of medicine, surgery or midwifery where the person employed is resident in the hospital or institution where he is employed or conveniently near thereto and is by the terms of his employment required to be so resident.

(9) Regulations of the General Council made under subsection (2) of this section shall not have effect until approved by order of the Privy Council.

**PART II**  
—*cont.*

(10) The power to make orders conferred by the last foregoing subsection shall be exercisable by statutory instrument and shall include power to vary or revoke any such order.

(11) No order shall be made under the said subsection unless a draft thereof has been laid before Parliament and has been approved by resolution of each House of Parliament.

Special provisions as to employment in Health Centres.

16.—(1) For the purposes of the last foregoing section the expression “institution” includes a health centre if, and only if, it is a centre provided under section twenty-one of the National Health Service Act, 1946, section fifteen of the National Health Service (Scotland) Act, 1947, or section seventeen of the Health Services Act (Northern Ireland), 1948.

(2) Employment in such a centre shall not be treated as employment for the purposes of the last foregoing section unless it is either—

- (a) employment by a fully registered medical practitioner in the provision of general medical services under Part IV of the said Act of 1946, Part IV of the said Act of 1947 or Part II of the said Act of 1948, or
- (b) employment in the provision of such out-patient services as are mentioned in paragraph (e) of subsection (1) of section twenty-one of the said Act of 1946 or paragraph (d) of subsection (1) of section fifteen of the said Act of 1947, or such out-patient services, other than supplementary eye services, as are mentioned in paragraph (b) of subsection (1) of section seventeen of the said Act of 1948.

(3) The General Council may by regulations provide that the period of employment in a health centre which may be reckoned towards the completion of any of the periods mentioned in paragraph (a) of subsection (3) of the last foregoing section shall not exceed such period as may be specified in the regulations.

(4) In relation to persons holding qualifications registrable under this Part of this Act granted by a university or other body in the Republic of Ireland this section shall have effect subject to the following modifications:—

- (a) the references in subsection (1) to centres provided under the enactments specified therein shall include a reference to health centres provided under the law of the Republic of Ireland;
- (b) subsection (2) shall have effect, in relation to a health centre provided under the said law, as if for the employment specified in paragraphs (a) and (b) of the said subsection (2) there were substituted employment



certified by the Medical Registration Council constituted under the said law, or a body acting on behalf of that Council, to correspond to the employment specified as aforesaid.

PART II  
—*cont.*

17.—(1) The following provisions shall have effect for enabling persons desirous of obtaining certificates under section fifteen of this Act to be employed as mentioned in subsection (2) of that section. Provisional registration.

(2) A person who apart from any requirement as to experience would be entitled to be registered under section seven of this Act shall, on production of the proper evidence that he has been selected for such employment as is mentioned in subsection (2) of section fifteen of this Act, be entitled to be registered provisionally under this section and to have the said qualification or qualifications registered thereunder.

(3) A person provisionally registered under this section shall be deemed to be registered under section seven of this Act as a fully registered medical practitioner so far as is necessary to enable him to be engaged in employment in a resident medical capacity (within the meaning of section fifteen of this Act) in one or more approved hospitals or approved institutions (within the meaning of that section) and so far as is provided under paragraph (c) of subsection (3) of section six of the Medical Act, 1950, but not further.

(4) A person holding a qualification registrable under this Part of this Act and granted by a university or other body in the Republic of Ireland shall not be provisionally registered unless he is registered by virtue of provisions of the law of the Republic of Ireland made for purposes similar to those of the foregoing provisions of this section.

### PART III

#### REGISTRATION OF COMMONWEALTH AND FOREIGN PRACTITIONERS

18.—(1) Subject to the provisions of this Act, any person who shows to the satisfaction of the registrar of the General Council— Registration of Commonwealth and foreign practitioners.

- (a) that he holds some recognised qualification or qualifications granted in a Commonwealth country to which this Part of this Act applies, or in a foreign country to which this Part of this Act applies, and
- (b) that he is of good character, and

**PART III**  
—cont.

- (c) that he is by law entitled to practise medicine, surgery and midwifery in the country where his said qualification or qualifications were granted,

and who satisfies the requirements of this Part of this Act as to experience shall be entitled to be registered under this section as a fully registered medical practitioner and to have his said qualification or qualifications registered thereunder.

(2) Registration under this section if by virtue of a qualification or qualifications granted in a Commonwealth country shall be registration as a Commonwealth practitioner, and if by virtue of a qualification or qualifications granted in a foreign country shall be registration as a foreign practitioner, and a person entitled to be registered under this section both as a Commonwealth and as a foreign practitioner may be registered in both ways.

(3) A person shall not be entitled to be registered under this section by virtue of any qualification or qualifications granted in a Commonwealth country unless he proves to the satisfaction of the registrar of the General Council either—

- (a) that he was granted the qualification or qualifications at a time when he was not domiciled in the United Kingdom or the Republic of Ireland, or
- (b) that he was granted it or them in the course of a period of not less than five years during the whole of which he resided out of the United Kingdom and the Republic of Ireland, or
- (c) that he was practising medicine or surgery or a branch of medicine or surgery in the United Kingdom or the Republic of Ireland on the prescribed day, and that he had continuously practised it, either there or elsewhere, for a period of not less than ten years immediately preceding the prescribed day.

(4) A person shall not be entitled to be registered under this section by virtue of any qualification or qualifications granted in a foreign country unless he proves to the satisfaction of the registrar of the General Council either that he is not a British subject or that, being a British subject, the condition specified in paragraph (a), (b) or (c) of the last foregoing subsection is fulfilled in his case.

(5) In this section the expression “the prescribed day”, in relation to a qualification granted in any country, means the day on which that country becomes a country to which this Part of this Act applies.

(6) In this Part of this Act, except where the context otherwise requires, the expression “qualification” means any diploma, degree, fellowship, membership, licence, authority to practise, letters testimonial, certificate or other status or document granted—

- (a) in respect of medicine, surgery and midwifery or any of them, or any branch of medicine or surgery,
- (b) by any university, corporation, college or other body, or by any department of, or persons acting under the authority of, the government of any country or place within or without the Commonwealth.

19.—(1) If Her Majesty is of opinion that any part of the Commonwealth outside the United Kingdom, or any foreign country, affords, to persons registered under section seven of this Act, such privileges of practising there as to Her Majesty may seem just, Her Majesty may by Order in Council declare that as from such date as may be specified in the Order the said part of the Commonwealth or foreign country shall be a Commonwealth country or, as the case may be, a foreign country to which this Part of this Act applies. Countries to which Part III applies.

(2) An Order under this section may be revoked or renewed by a subsequent Order of Her Majesty in Council, but any such revocation shall not prejudice the rights of persons already registered.

20. For the purposes of section eighteen of this Act a recognised qualification is a qualification recognised for those purposes for the time being by the General Council as furnishing a sufficient guarantee of the possession of the requisite knowledge and skill for the efficient practice of medicine, surgery and midwifery. Recognition of Commonwealth and foreign qualifications.

21.—(1) A person registered under section eighteen of this Act who obtains any qualification recognised for the purposes of that section and granted in a Commonwealth or foreign country to which this Part of this Act applies shall be entitled to have the qualification registered. Registration of further qualifications.

(2) A person holding any other qualification granted as aforesaid which the General Council determine ought to be registrable by virtue of this subsection as a further qualification shall, if registered under section eighteen of this Act or on becoming so registered, be entitled to have the qualification registered.

(3) Subsection (1) of section eight of this Act shall apply to persons registered or becoming registered under the said section eighteen as it applies to persons registered or becoming registered under section seven of this Act.

**PART III**  
**—cons.**

Experience  
required for  
full  
registration  
of Common-  
wealth and  
foreign  
practitioners.

**22.—(1)** The requirements as to experience mentioned in subsection (1) of section eighteen of this Act are the following.

(2) The General Council must be satisfied that the person claiming registration—

(a) has been employed as mentioned in subsection (2) of section fifteen of this Act and satisfies the conditions specified in paragraphs (a) and (b) of subsection (3) of that section ; or

(b) has rendered satisfactory service in an appointment or appointments (whether within or outside Her Majesty's dominions) such as in the opinion of the Council confer experience of the practice of medicine and surgery, or medicine, surgery and midwifery, not less extensive than that required for a certificate under section fifteen of this Act ; or

(c) has otherwise acquired such experience as aforesaid.

(3) Subsection (6) of section fifteen of this Act shall apply to a person prevented from embarking on, or completing, a period of experience required for the purposes of this section as it applies to a person prevented from embarking on, or completing, a period of experience required for the purposes of the said section fifteen.

Provisional  
registration  
of Common-  
wealth and  
foreign  
practitioners.

**23.—(1)** The following provisions shall have effect for enabling persons desirous of satisfying the General Council of the matters specified in subsection (2) of the last foregoing section to be employed as mentioned in subsection (2) of section fifteen of this Act.

(2) A person who would be entitled, apart from any requirement as to experience, to be registered under section eighteen of this Act as a Commonwealth or as a foreign practitioner shall, on production of the proper evidence that he has been selected for such employment as is mentioned in subsection (2) of section fifteen of this Act, be entitled to be so registered provisionally under this section and to have registered thereunder the qualification or qualifications held by him by virtue of which he would be entitled to be registered as aforesaid.

(3) Subsections (3) and (4) of section seventeen of this Act shall apply to provisional registration under this section as they apply to provisional registration under the said section seventeen, but with the substitution for the reference to section seven of this Act of a reference to section eighteen thereof.

**24.—(1)** If—

(a) a person seeking registration under section eighteen of this Act is refused registration on any ground other than that the qualification or qualifications held by him

Appeal  
against  
refusal of  
registration.

is or are not recognised for the purposes of the said section eighteen or that he does not satisfy the requirements of this Part of this Act as to experience, or

- (b) a person seeking provisional registration under the last foregoing section is refused registration on any ground other than that the qualification or qualifications held by him is or are not recognised as aforesaid or that he has failed to produce the evidence required by subsection (2) of the last foregoing section,

the registrar shall, if required to do so, state in writing the reason for the refusal and the person refused registration may appeal to the Privy Council.

(2) On any such appeal the Privy Council, after communication with the General Council, may dismiss the appeal or may give a direction to the General Council that the appellant is to be treated as having proved or shown the matters in question.

25.—(1) Where a person satisfies the General Council—

- (a) that he is or intends to be in the United Kingdom temporarily for the purpose of employment in the capacity of a practitioner of medicine, surgery or midwifery in a hospital or other institution approved by the Council for the purposes of this section, and

- (b) that he holds, has held, or has passed the examinations necessary for obtaining, some Commonwealth or foreign qualification or qualifications recognised for the time being by the General Council for the purposes of this section as furnishing a sufficient guarantee of the possession of the requisite knowledge and skill for the efficient practice of medicine, surgery and midwifery,

Temporary registration, for employment in hospitals in United Kingdom, of persons with Commonwealth or foreign qualifications.

the General Council may if they think fit give a direction that he shall be registered under this section.

(2) Registration of a person under this section shall continue only while he is in such employment as is mentioned in the last foregoing subsection, and on its termination he shall cease to be registered under this section.

(3) In case of doubt, the decision of the General Council as to the termination of a person's employment shall be conclusive for the purposes of the last foregoing subsection.

(4) A person registered under this section shall, in relation to employment as mentioned in paragraph (a) of subsection (1) of this section, and to things done and omitted in the course thereof, be treated as registered under section eighteen of this Act as a fully registered medical practitioner, but in relation to other matters shall be treated as not so registered.

**PART III**  
—*cont.*

(5) A person registered under this section shall be registered as a Commonwealth practitioner if the recognised qualification or qualifications which he holds or has held, or for the obtaining of which he has passed the necessary examinations, were granted or are normally granted at a place within the Commonwealth, in a British protectorate, or in any other country or territory under Her Majesty's protection or suzerainty or in which Her Majesty has for the time being jurisdiction, and otherwise shall be registered as a foreign practitioner:

Provided that a person entitled to be registered under this section both as a Commonwealth and as a foreign practitioner may be registered in both ways.

Power of  
Privy Council  
to direct  
recognition of  
qualifications.

26. Where for the purposes of section eighteen of this Act or of the last foregoing section the General Council have refused to recognise any qualification as furnishing a sufficient guarantee of the possession of the requisite knowledge and skill for the efficient practice of medicine, surgery and midwifery, the Privy Council, on application being made to them, may if they think fit, after considering the application and after communication with the General Council, order the General Council so to recognise the qualification.

**PART IV**

**PRIVILEGES OF REGISTERED PRACTITIONERS**

Recovery  
of fees.

27.—(1) No person shall be entitled to recover any charge in any court of law for any medical or surgical advice or attendance, or for the performance of any operation, or for any medicine which he shall have both prescribed and supplied, unless he shall prove upon the trial that he is fully registered.

(2) Where a practitioner is a fellow of a college of physicians, fellows of which are prohibited by byelaw from recovering by law their expenses, charges or fees, then notwithstanding that he is fully registered the prohibitory byelaw, so long as it is in force, may be pleaded in bar of any legal proceedings instituted by him for the recovery of expenses, charges or fees.

Appointments  
not to be held  
except by fully  
registered  
persons.

28.—(1) Subject to the provisions of this section, no person, not being fully registered, shall hold any appointment as physician, surgeon or other medical officer—

(a) in the naval, military or air service,

(b) in any emigrant or other vessel,

(c) in any hospital or other place for the reception of persons of unsound mind, or in any other hospital, infirmary or dispensary not supported wholly by voluntary contributions,

(d) in any prison, or

PART IV  
—cont.

(e) in any other public establishment, body or institution, or to any friendly or other society for providing mutual relief in sickness, infirmity or old age.

(2) Nothing in this section shall prevent any person, not being a British subject, from being and acting as the resident physician or medical officer of any hospital established exclusively for the relief of foreigners in sickness, so long as he—

(a) has obtained from a foreign university a degree or diploma of doctor in medicine and has passed the regular examinations entitling him to practise medicine in his own country, and

(b) is engaged in no medical practice except as such a resident physician or medical officer.

(3) Nothing in this section shall prevent a person holding any qualification (within the meaning of Part III of this Act) entitling him to practise medicine or surgery in any part of the Commonwealth as respects which an order under section nineteen of this Act is for the time being in force from holding an appointment as a medical officer in any vessel registered in that part of the Commonwealth.

29. A certificate required by any enactment, whether passed before or after the commencement of this Act, from any physician, surgeon, licentiate in medicine and surgery or other medical practitioner shall not be valid unless the person signing it is fully registered. Certificates invalid if not by fully registered practitioner.

30.—(1) A fully registered person shall, if he so wishes, be exempt from serving any corporate or parochial office, and the name of such a person shall not be returned in any list of persons liable to serve in any such office. Exemption of fully registered practitioners from liability to certain offices.

(2) This section shall apply to a person provisionally registered under section seventeen or twenty-three of this Act whether or not the circumstances are such that he falls within the meaning in this Act of the expression “fully registered person”.

31. Any person who wilfully and falsely pretends to be or takes or uses the name or title of physician, doctor of medicine, licentiate in medicine and surgery, bachelor of medicine, surgeon, general practitioner or apothecary, or any name, title, addition or description implying that he is registered under any provision of this Act, or that he is recognised by law as a physician or surgeon or licentiate in medicine and surgery or a practitioner in medicine or an apothecary, shall be liable on summary conviction to a fine not exceeding five hundred pounds. Penalty for pretending to be registered.

## PART V

## ERASURE AND RESTORATION TO REGISTER

The  
Disciplinary  
Committee.

**32.—(1)** There shall continue to be a committee of the General Council (hereinafter referred to as “the Disciplinary Committee”) to perform the functions hereinafter specified as functions of that Committee.

(2) The Disciplinary Committee shall consist of the President and eighteen other members of the General Council.

(3) Of the members of the Disciplinary Committee other than the President, six at least shall be elected members of the General Council and two at least shall be persons who are neither fully registered nor holders of any qualification registrable under this Act.

(4) The members of the Disciplinary Committee, other than the President, shall be appointed by the General Council and shall hold office for such term as may be prescribed by regulations of the Council.

Erasure from  
register for  
conviction of  
crime or for  
infamous  
conduct.

**33.—(1)** If any fully registered person—

- (a) is convicted by any court in the United Kingdom or the Republic of Ireland of any felony, misdemeanour, crime or offence, or
- (b) after due inquiry is judged by the Disciplinary Committee to have been guilty of infamous conduct in any professional respect,

the Committee may if they think fit direct his name to be erased from the register.

(2) In any inquiry under this section whether a person has been guilty of infamous conduct in any professional respect, any finding of fact which is shown to have been made in any matrimonial proceedings in the United Kingdom or the Republic of Ireland, being proceedings in the High Court or the Court of Session or on appeal from a decision in such proceedings, shall be conclusive evidence of the fact found.

(3) If any university or other body, having granted to any person a qualification registrable under this Act, exercise any power conferred by law of striking off the name of that person and notify to the General Council the fact of the striking off, then if he is a fully registered person—

- (a) the registrar of the General Council shall make a note of the fact in the register ;
- (b) if the said university or other body notify to the Council the findings of fact on which the decision to strike off the name was based the findings may, if the Disciplinary



Committee think fit, be treated, for the purposes of any inquiry whether that person has been guilty of infamous conduct in any professional respect, as conclusive of the facts found.

PART V  
—cont.

(4) This section shall apply to a person provisionally registered under section seventeen or twenty-three of this Act whether or not the circumstances are such that he falls within the meaning in this Act of the expression "fully registered person".

**34.**—(1) Where the name of a person has been erased from the register under the last foregoing section the Disciplinary Committee may if they think fit at any time direct his name to be restored to the register: Restoration of names to register.

Provided that an application for the restoration of a name to the register shall not be made to the Committee—

(a) before the expiration of eleven months from the date of erasure, or

(b) in any period of eleven months in which such an application has already been made by or on behalf of the person whose name has been erased.

(2) In the case of a person who before the erasure of his name was provisionally registered under section seventeen or twenty-three of this Act, a direction under the last foregoing subsection shall be a direction that his name be restored by way of provisional registration under that section.

(3) The requirements of Part II or Part III of this Act as to experience shall not apply to registration in pursuance of a direction under subsection (1) of this section.

**35.**—(1) If it is proved to the satisfaction of the Disciplinary Committee that any entry in the register has been fraudulently or incorrectly made the Committee may by order in writing direct that the entry shall be erased from the register. Erasure from register on grounds of fraud or error.

(2) A person may be registered in pursuance of any provision of this Act notwithstanding that his name has been erased under the last foregoing subsection, but if it was so erased on the ground of fraud he shall not be registered except on an application in that behalf to the Disciplinary Committee; and on any such application the Committee may if they think fit direct that he shall not be registered, or shall not be registered until the expiration of such period as may be specified in the direction.

(3) If on an application in that behalf the Disciplinary Committee so direct, the requirements of Part II or Part III of this Act as to experience shall not apply to the registration of a person whose name has been erased under subsection (1) of this section.

PART V  
—cont.  
Appeal against  
erasure from  
register.

**36.—(1)** Where under section thirty-three of this Act or the last foregoing section the Disciplinary Committee determine that a person's name shall be erased from the register, the registrar shall serve on him a notification of the determination of the Committee.

(2) Any notification required to be served by the last foregoing subsection may be served by post in a registered letter addressed to the person on whom it is to be served at his address on the register or at his last known address, if that address differs from his address on the register and it appears to the registrar that such service will be more effective.

(3) At any time within twenty-eight days of the service of a notification under subsection (1) of this section, the person on whom it was served may, in accordance with such rules as Her Majesty in Council may by Order provide for the purposes of this section, appeal to Her Majesty in Council; and the Judicial Committee Act, 1833, shall apply in relation to the Disciplinary Committee as it applies to such courts as are mentioned in section three of that Act (which provides for the reference to the Judicial Committee of the Privy Council of appeals to Her Majesty in Council).

The power conferred by this subsection to make an Order shall include power to vary or revoke the Order by a subsequent Order made in the like manner, and any Order in Council under this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) The General Council may appear as respondent on any such appeal; and for the purpose of enabling directions to be given as to the costs of any such appeal the Council shall be deemed to be a party thereto, whether they appear on the hearing of the appeal or not.

(5) Where no appeal is brought against a determination such as is mentioned in subsection (1) of this section, or where such an appeal is brought but withdrawn or struck out for want of prosecution, the determination shall take effect on the expiration of the time for appealing or, as the case may be, on the withdrawal or striking-out of the appeal.

(6) Subject as aforesaid, where an appeal is brought against such a determination the determination shall take effect if and when the appeal is dismissed and not otherwise.

Procedure of  
Disciplinary  
Committee.

**37.—(1)** The Disciplinary Committee shall make rules as to the times and places of the meetings of the Committee and the mode of summoning the members, and as to the procedure to

be followed and rules of evidence to be observed in proceedings before the Committee, and in particular—

PART V  
—*cont.*

- (a) for requiring that before any matters are referred to the Committee they shall, in such manner as may be provided by the rules, have been brought before and investigated by a committee of the General Council constituted in accordance with the rules, and for securing that a person, other than the President of the Council, who has acted in relation to any matter as a member of the committee constituted as aforesaid shall not act in relation to that matter as a member of the Disciplinary Committee ;
- (b) for securing that notice that the proceedings are to be brought shall be given, at such time and in such manner as may be specified in the rules, to the person to whose registration the proceedings relate ;
- (c) for securing that any party to the proceedings shall, if he so requires, be entitled to be heard by the Committee ;
- (d) for enabling any party to the proceedings to be represented by counsel or solicitor, or (if the rules so provide and the party so elects) by a person of such other description as may be specified in the rules ;
- (e) for requiring proceedings before the Committee to be held in public except in so far as may be provided by the rules ;
- (f) for requiring that where, in a case in which it is alleged that a person has been guilty of infamous conduct in any professional respect, the Committee judge that the allegation has not been proved they shall record a finding that the said person is not guilty of such conduct in respect of the matters to which the allegation relates :

Provided that as respects proceedings for the restoration of names to the register and the registration of persons whose names have been erased on the ground of fraud the Disciplinary Committee shall have power to make rules with respect to all or any of the matters aforesaid but shall not be required to do so, and separate rules under this subsection may be made as respects such proceedings.

(2) Before making rules under the last foregoing subsection the Disciplinary Committee shall consult with such bodies of persons representing medical practitioners, or medical practitioners of any description, as appear to the Committee requisite to be consulted.

(3) Rules under this section shall not come into force until approved by order of the Privy Council, and the Privy Council

**PART V**  
—*cont.*

may approve such rules either as submitted to them or subject to such modifications as appear to them requisite :

Provided that where the Privy Council propose to approve any rules subject to modifications they shall notify to the Disciplinary Committee the modifications they propose to make and consider any observations of the Committee thereon.

(4) The power to make orders conferred by the last foregoing subsection shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament ; and the said power shall include power to vary or revoke any such order by a subsequent order made in the like manner and subject to the same provisions.

(5) The provisions of the Fourth Schedule to this Act shall have effect as to the proceedings of the Disciplinary Committee.

**Assessors to  
Disciplinary  
Committee.**

**38.—**(1) For the purpose of advising the Disciplinary Committee on questions of law arising in proceedings before them, there shall in all such proceedings be an assessor to the Committee who shall be appointed by the General Council and shall be a barrister, advocate or solicitor of not less than ten years' standing.

(2) The Lord Chancellor may make rules as to the functions of assessors appointed under this section, and in particular rules under this subsection may contain such provisions for securing—

- (a) that where an assessor advises the Committee on any question of law as to evidence, procedure or any other matters specified in the rules, he shall do so in the presence of every party, or person representing a party, to the proceedings who appears thereat or, if the advice is tendered after the Committee have begun to deliberate as to their findings, that every such party or person as aforesaid shall be informed what advice the assessor has tendered,
- (b) that every such party or person as aforesaid shall be informed if in any case the Committee do not accept the advice of the assessor on any such question as aforesaid,

and such incidental and supplementary provisions, as appear to the Lord Chancellor expedient.

(3) Any assessor under this section may be appointed either generally or for any particular proceedings or class of proceedings, and subject to the provisions of this section shall hold and vacate office in accordance with the terms of the instrument under which he is appointed.

(4) The General Council may pay to persons appointed to act as assessors such remuneration, to be paid as part of the expenses of the Council, as the Council with the approval of the Privy Council may determine.

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

PART V  
—cont.

**39.**—(1) With a view to preventing the holding of simultaneous inquiries—

Arrangements  
with Medical  
Registration  
Council of  
Republic of  
Ireland.

(a) the General Council shall report to the Medical Registration Council of the Republic of Ireland every case in which it is proposed, in connection with the exercise of the disciplinary powers of the Disciplinary Committee, to hold an inquiry into the conduct in Great Britain or in Northern Ireland of any person registered in the medical register of the Republic of Ireland;

(b) upon receipt by the General Council of any report by the Medical Registration Council of the Republic of Ireland of any case in which that Council propose, in connection with the exercise of their disciplinary powers, to hold an inquiry into the conduct in the Republic of Ireland of any person registered in the general register kept in pursuance of this Act, the General Council shall have regard to the desirability of postponing inquiry into the matter to which the report relates until the inquiry by the Medical Registration Council of the Republic of Ireland is completed.

(2) The General Council shall report to the Medical Registration Council of the Republic of Ireland every case in which disciplinary action resulting in erasure from the register is taken by the Disciplinary Committee against a person registered in the medical register of the Republic of Ireland.

## PART VI

### THE REGISTRARS, THE REGISTERS AND PROCEDURE FOR REGISTRATION

**40.**—(1) The General Council shall appoint a person to be registrar of the Council, and the person so appointed shall also be registrar of the branch council for England and Wales. The registrars.

(2) The branch council for Scotland and the branch council for Ireland shall each appoint a person to be registrar of the council appointing him.

**41.**—(1) There shall continue to be a general register kept by the registrar of the General Council, and a local register kept by the registrar of each of the branch councils, and each of those The registers.

**PART VI**  
—*cont.*

registers shall contain, in addition to names and qualifications, the addresses and dates of registration of the persons registered therein.

(2) The General Council shall from time to time as occasion may require make orders for regulating the registers, and orders under this subsection may contain provision as to the form in which the registers are to be kept.

(3) Registration under Part II of this Act shall be effected in a local register and also in the general register.

(4) Registration as a Commonwealth or foreign practitioner shall be effected in the general register, and that register shall contain a separate list of the names and addresses of persons registered as Commonwealth practitioners and a separate list of the names and addresses of persons registered as foreign practitioners.

(5) The General Council shall so exercise their power to make orders under subsection (2) of this section as to secure that persons provisionally registered in any register shall be registered in a separate part of the register, and that on a person becoming registered otherwise than provisionally his name shall be removed from the separate part.

(6) It shall be the duty of the registrars to keep their respective registers correct in accordance with the provisions of this Act and the orders of the General Council, to erase the names of persons who have died, and from time to time to make the necessary alterations in the addresses or qualifications of registered persons.

(7) For the purposes of the last foregoing subsection any of the registrars may, by letter addressed to any registered person at his address on the register, inquire whether he has ceased to practise or has changed his address; and if no answer is returned to any such letter within the period of six months from its being sent the entry relating to the said person may be erased from the register:

Provided that the General Council may if they think fit order that any entry erased under this subsection shall be restored.

(8) On registering the death of a medical practitioner a registrar of births and deaths shall, without charge to the recipient, send forthwith by post—

(a) to the registrar of the General Council, and

(b) to the registrar of the branch council for the area in which the deceased resided,

a copy certified under his hand of the entry in the register of deaths relating to the death.

(9) If the registrar of the General Council or a branch council wilfully makes, or causes to be made, any falsification in a matter relating to the register to be kept by him, he shall be guilty of a misdemeanour and on conviction thereof shall be liable to imprisonment for a term not exceeding twelve months.

42.—(1) Subject to the provisions of this section, any right to registration conferred by this Act shall be conditional on the making of such an application, supported by such evidence, as is required by the following provisions of this section. Procedure for registration.

(2) Application for registration under Part II of this Act, whether fully or provisionally and whether of persons, qualifications, or other matters, shall be made to the registrar of one of the branch councils.

(3) Any other application for registration under this Act shall be made to the registrar of the General Council.

(4) A person making an application for registration (whether fully or provisionally) under Part II of this Act shall produce the document conferring or evidencing the qualification by virtue of which the application is made or may send by post to the registrar information of his name and address and evidence of the said qualification and of the time of its being obtained ;

Provided that any university or other body specified in the Third Schedule to this Act may from time to time transmit to the registrar of a branch council lists certified under the body's seal of the persons who have been granted qualifications by the body, stating the qualifications and addresses of the persons included in the list, and a registrar may register the persons mentioned in any such list sent to him without production of the document or evidence mentioned in the foregoing provisions of this subsection.

(5) A registrar shall not register any qualification, whether on first registration of a person or by way of addition or substitution, unless he is satisfied by the evidence required by this Act that the person claiming the qualification is entitled to it ; but if the registrar determines that he is not satisfied as aforesaid the said person may appeal to the Disciplinary Committee.

(6) The evidence required to be produced by subsection (2) of section seventeen or subsection (2) of section twenty-three of this Act on an application for provisional registration shall be produced to the registrar to whom the application is made, and in those subsections the expression " the proper evidence " means evidence such as to satisfy him that the applicant has been selected for such employment as is mentioned in subsection (2) of section fifteen of this Act.

(7) This section shall not apply to registration under section twenty-five of this Act or to anything done in pursuance of a direction under section thirty-four of this Act.

PART VI  
—cont.

Procedure on  
erasure or  
restoration.

**43.** Any direction under sections thirty-three to thirty-five of this Act for an erasure from or restoration to the register shall be given to the registrar of the General Council and shall relate to the general register, and in those sections and in section thirty-six of this Act the references to the registrar and the register are references to that registrar and register.

Co-ordination  
of central and  
local registers.

**44.—(1)** Where the registrar of the General Council makes any alteration in the register, then—

- (a) if the person to whom the alteration relates is or was registered in the local register for England and Wales, the registrar shall make the like alteration in that register,
- (b) if the said person is or was registered in the local register for Scotland or Ireland, the registrar shall forthwith send, to the registrar charged with keeping that local register, particulars of the alteration for the last-mentioned registrar to make forthwith the like alteration in the local register.

(2) The registrar for England and Wales shall, on making any alteration in the local register for England and Wales, forthwith cause the like alteration to be made in the general register.

(3) On the making of any alteration in the local register for Scotland or Ireland the registrar making the alteration shall with all convenient speed send particulars of the alteration, certified under his hand, to the registrar of the General Council, and that registrar shall forthwith cause the like alteration to be made in the general register.

(4) Any alteration made in pursuance of paragraph (b) of subsection (1), or subsection (3), of this section shall bear date from the register in which the original alteration was made.

(5) In this section the expression “alteration” means the registration in, erasure from or restoration to a register of any name, address, qualification or date or the making or deletion of a note in a register.

Registration  
fees.

**45.—(1)** Subject to the provisions of this section, any right to registration of a person or a qualification shall be conditional on the payment of such fees as may be determined by the General Council.

(2) The fee payable on provisional registration under section seventeen or twenty-three of this Act shall not exceed five guineas.

(3) No fee shall be chargeable for provisional registration as aforesaid in the case of a person registered by virtue of any provision of the law of the Republic of Ireland made for purposes similar to those of section seventeen of this Act.



(4) Subject to the provisions of the two last foregoing subsections, the fee payable on registration shall not exceed—

(a) six guineas, in the case of a person provisionally registered as aforesaid, or in the case of a person registered by virtue of any such provision of the law of the Republic of Ireland as aforesaid;

(b) eleven guineas, in the case of any other person.

(5) Subsection (1) of this section shall not apply to registration under section twenty-five of this Act or to anything done in pursuance of a direction under section thirty-four thereof, but where a direction for registration in pursuance of the said section twenty-five is given the General Council may include therein a direction that the right to registration conferred thereby shall be subject to payment by the person to whom the direction relates of such fee as may be specified in the direction, not being greater than the fee for the time being determined by the Council for registration of persons as Commonwealth practitioners or as foreign practitioners, as the case may be, under section eighteen of this Act.

(6) The Privy Council may from time to time by order direct that, as respects any fee payable after the coming into operation of the order, all or any of the limits specified in subsections (2) and (4) of this section shall be increased or decreased to such extent as may be provided by the order.

(7) The power to make orders conferred by the last foregoing subsection shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament, and the said power shall include power to vary or revoke any such order by an order made in the like manner and subject to the like provisions.

46.—(1) The registrar of the General Council shall in every year cause to be printed, published and sold, under the direction of the General Council, a publication, to be called “ the Medical Register ”, being a correct register of the names in alphabetical order of surnames, with the addresses and the registered qualifications, of all persons appearing in the register, as existing on the first day of January in that year, being persons registered under section seven, seventeen, eighteen or twenty-three of this Act.

The Medical Register and the Register of Provisional Medical Registrations.

(2) The General Council may if they think fit direct that in addition to the annual publication of the Medical Register their registrar shall at such time or times during a year as the Council may direct cause to be printed, published and sold, under the direction of the Council, a publication relating only to persons provisionally registered under section seventeen or twenty-three

**PART VI**  
—*cont.*

of this Act, to be called “ the Register of Provisional Medical Registrations ”, in the like form and containing the like particulars as the Medical Register but compiled by reference to such date or dates in the year as the General Council may direct.

(3) A copy of either of the said publications purporting to be printed and published as aforesaid shall be evidence in all proceedings that the persons specified therein are registered as aforesaid, fully or provisionally as appears from the publication ; and the absence of the name of any person—

- (a) from any such copy of the Medical Register shall be evidence, until the contrary is shown, that he is not registered under section seven or eighteen of this Act,
- (b) from any such copy of the Register of Provisional Medical Registrations shall be evidence, until the contrary is shown, that he is not provisionally registered under section seventeen or twenty-three of this Act.

(4) In the case of a person whose name does not appear in either of the said publications a certified copy, under the hand of the registrar of the General Council or of any branch council, of the entry relating to that person in the register shall be evidence of the entry.

**PART VII**

**GENERAL AND SUPPLEMENTARY**

The British  
Pharmacopoeia.

**47.**—(1) The General Council shall, at such intervals as they may determine, cause to be published under their direction new editions of the British Pharmacopoeia, containing such descriptions of and standards for, and such notes and other matter relating to, medicines, preparations, materials and articles used in the practice of medicine, surgery, or midwifery, as the Council may direct.

(2) The General Council may, if they think fit, cause to be published, between any two editions of the British Pharmacopoeia, amendments of the current edition.

(3) In connection with the publication of any new edition of the British Pharmacopoeia, or of any amendment of the current edition, the General Council shall fix a date as from which the new edition, or the amendment, as the case may be, is to have effect, and shall cause to be inserted in every copy of the new edition, or of the document containing the amendment, as the case may be, a statement of the date so fixed.

(4) The General Council shall have the exclusive right of publishing, printing and selling the British Pharmacopoeia and

any documents containing amendments thereof, subject however to any determination by the Treasury of the price at which copies are to be sold to the public.

PART VII  
—cont.

(5) A copy of the British Pharmacopoeia, or of any such document as aforesaid, being a copy purporting to be printed by such person as may be named in a notice published in the London, Edinburgh and Belfast Gazettes as authorised by the General Council to print the Pharmacopoeia, or that document, as the case may be, shall be received in evidence as being the Pharmacopoeia, or that document, as the case may be, and shall be evidence that the date stated therein for the coming into effect thereof is the date fixed in that behalf by the General Council.

(6) References in sections eleven and twelve of the Pharmacy and Medicines Act, 1941, to the edition of the British Pharmacopoeia last published before a given date shall be construed as references to the latest edition which has taken effect in accordance with this section before the said date, as affected by any amendments which have so taken effect.

(7) In this section references to amendments of the British Pharmacopoeia shall be construed as including references to additions thereto and to deletions therefrom.

48.—(1) A fully registered person who after special examination has obtained a diploma for proficiency in public health, sanitary science or state medicine from any university or any college or faculty of physicians or surgeons in the United Kingdom, the Republic of Ireland or any part of the Commonwealth as respects which an order under section nineteen of this Act is for the time being in force, or from any such bodies as aforesaid acting in combination, shall, if the diploma appears to the Privy Council or to the General Council to deserve such recognition in the register, be entitled to have his possession of the diploma entered in the register in addition to any other qualification.

Registration of diplomas in public health, sanitary science or state medicine.

(2) Sections forty-four and forty-five of this Act shall apply to the making of an entry by virtue of this section as they apply to registration.

(3) In this section the expression “diploma” includes any degree, fellowship, membership, licence, authority to practise, letters testimonial, certificate or other status or document.

49.—(1) If at any time it appears to the Privy Council that the General Council—

Powers of Privy Council on default by General Council.

- (a) ought to appoint assistant examiners under subsection (4) of section eleven of this Act ; or
- (b) have failed to secure the maintenance of a sufficient standard of proficiency at examinations ; or

**PART VII**  
—*cont.*

- (c) ought to exercise any power vested in them by this Act, or to perform any duty thereby imposed on them, or to do any act or thing thereby authorised to be done by them,

the Privy Council may notify their opinion to the General Council:

Provided that paragraph (c) of this subsection shall not apply to any power vested, duty imposed, or act or thing authorised to be done by section nine, subsection (3) of section eleven, sections fifteen, sixteen, twenty-two, twenty-five, thirty-two, thirty-eight, thirty-nine, or forty-five, subsection (2) of section forty-six, or section forty-seven of this Act.

(2) If the General Council fail to comply with any directions of the Privy Council relating to such notification as aforesaid, the Privy Council may themselves give effect thereto, and for that purpose may exercise any power vested in the General Council or do any act or thing authorised to be done by that Council, and may of their own motion do any act or thing which under this Act they are authorised to do in pursuance of a representation or suggestion from the General Council.

**Exercise of  
powers of  
Privy Council.**

**50.**—(1) Any power vested in the Privy Council by this Act may be exercised by any two or more of the lords and others of the Council.

(2) Any act of the Privy Council under this Act shall be sufficiently signified by an instrument signed by the clerk of the Council, and an order or act signified by an instrument purporting to be signed by the clerk of the Council shall be deemed to have been duly made or done by the Privy Council, and an instrument so signed shall be received in evidence in all courts and proceedings without proof of the authority or signature of the clerk of the Council or other proof.

**Proof of  
orders.**

**51.** A copy of an order under subsection (1) or (2) of section thirteen of this Act or under subsection (1) of section nineteen thereof, of a direction of the Privy Council under subsection (2) of section twenty-four of this Act, of an order of the General Council under subsection (4) of section eleven or under section forty-one of this Act, or of an order of the Disciplinary Committee under section thirty-five of this Act, being a copy which—

- (a) purports to be printed by the Queen's printers, or by any other printers in pursuance of authority given by the General Council, or
- (b) is certified to be a true copy by the registrar of the General Council or by any other person appointed by the General Council, either in addition to or in place of the registrar, to certify orders made by the General Council,

shall be admissible in evidence.

**52.—**(1) In any enactment the expression “legally qualified medical practitioner” or “duly qualified medical practitioner”, or any expression importing a person recognised by law as a medical practitioner or member of the medical profession, shall be construed to mean a fully registered person.

**PART VII**  
—*cont.*

Construction of references to registration etc. in other enactments.

(2) In any enactment other than this Act references (however expressed) to a person registered under the Medical Acts or as a medical practitioner shall be construed as references to a fully registered person.

**53.** Nothing in this Act contained shall extend or be construed to extend to prejudice or in any way to affect the lawful occupation, trade, or business of chemists and druggists and dentists, or the rights, privileges, or employment of duly licensed apothecaries in Northern Ireland, so far as the same extend to selling, compounding or dispensing medicines.

Chemists etc. not to be affected.

**54.—**(1) In this Act—

**Interpretation.**

“additional qualification” has the meaning assigned to it by subsection (1) of section eight of this Act ;

“appointed member” has the meaning assigned to it by subsection (1) of section one of this Act ;

“elected member” has the meaning assigned to it by subsection (1) of section one of this Act ;

“enactment” includes an enactment of the Parliament of Northern Ireland ;

“fully registered person” means a person for the time being registered under section seven or eighteen of this Act as a fully registered medical practitioner, and—

(a) so far as mentioned in subsection (3) of section seventeen of this Act, but not further, includes a person for the time being provisionally registered under that section or section twenty-three of this Act,

(b) in relation to such employment, and things done or omitted, as are mentioned in subsection (4) of section twenty-five of this Act, but not in relation to other matters, includes a person for the time being temporarily registered under that section,

and “fully registered” shall be construed accordingly ;

“nominated member” has the meaning assigned to it by subsection (1) of section one of this Act ;

“party”, in relation to proceedings before the Disciplinary Committee, means any person to whose registration the proceedings relate, or any person on whose complaint the proceedings are brought, or the Solicitor to the General Council ;

**PART VII**  
—*cont.*

“ primary qualification ” has the meaning assigned to it by subsection (2) of section seven of this Act ;

“ registered ”, in relation to anything to be done by a registrar, means registered in the register kept by him ;

“ the General Council ” has the meaning assigned to it by subsection (2) of section one of this Act ;

“ the register ”, in relation to anything to be done by a registrar, means the register kept by him.

(2) References in this Act to any enactment are references thereto as amended by any other enactment.

(3) Where a part of the Commonwealth is under both a central and a local legislature, then if Her Majesty by Order in Council so provides it shall be treated for the purposes of Part III of this Act as a separate part of the Commonwealth ; but subject as aforesaid all areas in the Commonwealth which are under one central legislature shall be treated for the said purposes as one part of the Commonwealth.

(4) This Act shall apply in relation to Monmouthshire as if it were part of Wales and not of England, and references in this Act to England and to Wales shall be construed accordingly.

**Provisions as to penalties in Scotland.**

**55.**—(1) Any penalty to which a person is liable on summary conviction under this Act may be recovered in Scotland by any person before the sheriff or two justices of the peace who may, on the appearance or the default to appear of the accused, proceed to hear the complaint, and where the offence is proved or admitted the sheriff or justices shall decern the accused to pay the penalty as well as such expenses as the sheriff or justices shall think fit.

(2) Any sum of money arising from conviction and recovery of penalties as mentioned in the last foregoing subsection shall be paid to the treasurer of the General Council.

**Application to Northern Ireland.**

**56.**—(1) For the avoidance of doubt it is hereby declared that this Act extends to Northern Ireland.

(2) For the purposes of section six of the Government of Ireland Act, 1920, this Act except any provision thereof reproducing a provision of the Medical and Dentists Acts Amendment Act, 1927, shall be deemed to be an Act passed before the appointed day for the purposes of the said Act of 1920, but nothing in this subsection shall be construed as extending the legislative powers of the Parliament of Northern Ireland under section four of the said Act of 1920.

(3) Without prejudice to the provisions of subsection (2) of section eighteen of the said Act of 1920 (which provides that the law for the time being in force as to the disqualification of

members of the House of Commons shall apply to the Senate and House of Commons of Northern Ireland) so much of paragraph 7 of the First Schedule to this Act as relates to remuneration of members of the Council who are members of the House of Commons shall apply also in relation to members of the Council who are members of the Senate or House of Commons of Northern Ireland.

PART VII  
—cont.

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

Repeals,  
transitional  
provisions  
and savings.

(2) A registration, or entry or note in a register, effected under any enactment repealed by this Act shall, if in force at the commencement of this Act, not be affected by the repeal, and—

- (a) any such registration, if not falling within the following provisions of this subsection, shall have effect as if made under section seven of this Act ;
- (b) any such registration, not being provisional or temporary, shall if a registration as a Commonwealth or as a foreign practitioner have effect as if made under section eighteen of this Act ;
- (c) any such registration, if provisional, shall have effect as if made under section seventeen of this Act unless it is a registration as a Commonwealth or as a foreign practitioner, and if it is such a registration shall have effect as if made under section twenty-three of this Act ;
- (d) any such registration, if temporary, shall have effect as if made under section twenty-five of this Act,

and any registration under section one of the Medical Practitioners and Pharmacists Act, 1947, in force at the commencement of this Act shall have effect as if made under section eighteen of this Act.

(3) Nothing in this Act shall affect any order, regulation, rule, appointment, nomination, election, application, claim or charge made, authority, approval, certificate, direction or notice given, or any other thing (not falling within the last foregoing subsection) done, under an enactment repealed by this Act, but any such order, regulation, rule, appointment, nomination, election, application, claim, charge, authority, approval, certificate, direction, notice, or thing shall if and so far as it is in force at the commencement of this Act continue in force, and so far as it could have been made, given or done under the corresponding provision of this Act, it shall have effect as if it had been made, given or done under that corresponding provision.

(4) References in any enactment, instrument or other document passed or made before the twenty-third day of February,

**PART VII**  
*—cont.*

nineteen hundred and fifty-one to the General Council of Medical Education and Registration of the United Kingdom shall be construed as references to the General Council.

(5) In relation to a country which immediately before the commencement of this Act was a British possession or foreign country to which the Medical Act, 1886, applied, and which has not since the commencement of this Act ceased to be a country to which Part III of this Act applies, section eighteen of this Act shall have effect as if the prescribed day were the day on which the said country became a British possession or foreign country to which the said Act of 1886 applied.

(6) Section thirty-four of this Act shall apply to persons whose names have been erased under section twenty-eight of the Medical Act, 1858, as in force before the coming into operation of section nineteen of the Medical Act, 1950, as the said section thirty-four applies to persons whose names have been erased under section thirty-three of this Act.

(7) Section forty-two of this Act shall not apply to registration in pursuance of a direction of the General Council under the Medical Practitioners and Pharmacists Act, 1947.

(8) The references in paragraphs (a) and (b) of subsection (3) of section forty-six of this Act to sections seven, seventeen and twenty-three of this Act include references to the corresponding provisions of the enactments repealed by this Act, and the reference in the said paragraph (a) to section eighteen of this Act includes a reference to the corresponding provisions of those enactments and to section one of the Medical Practitioners and Pharmacists Act, 1947.

(9) For the purposes of subsection (6) of section forty-seven of this Act any edition of, or amendments of, additions to, or deletions from, the British Pharmacopoeia which took effect in accordance with section twenty-three of the Medical Act, 1950, shall be deemed to have taken effect in accordance with the provisions of the said section forty-seven.

(10) In any enactment or Order in Council coming into effect before the seventh day of August, eighteen hundred and sixty-two, for any reference to a Pharmacopoeia in use before that date published in England under the direction of the Royal College of Physicians of London or in Scotland under the direction of the Royal College of Physicians of Edinburgh or in Ireland under the direction of the King and Queen's College of Physicians in Ireland there shall be substituted a reference to the British Pharmacopoeia and to any amendment thereof, deletion therefrom or addition thereto; and any instrument relating to any such Pharmacopoeia in use before that date shall be treated as relating to the British Pharmacopoeia and such amendments, deletions or additions instead of to such other Pharmacopoeia.



(11) The following provisions shall have effect for the construction of references in this Act to British subjects, that is to say, subsection (2) of section three of the British Nationality Act, 1948, shall apply as if this Act had been in force at the date of the commencement of that Act, and this Act shall be deemed to be existing law within the meaning of section one of the India (Consequential Provision) Act, 1949, and section one of the Pakistan (Consequential Provision) Act, 1956.

PART VII  
—cont.

(12) In subsection (3) of section six of the Medical Act, 1950, for the words “ provisionally registered shall be deemed to be registered ” there shall be substituted the words “ provisionally registered under section seventeen or twenty-three of the Medical Act, 1956, shall be deemed to be registered as fully registered medical practitioners ”.

(13) The mention of particular matters in this section shall not be taken to affect the general application of section thirty-eight of the Interpretation Act, 1889, with regard to the effect of repeals.

58.—(1) This Act may be cited as the Medical Act, 1956.

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

Short title  
and com-  
mencement.

## SCHEDULES

### FIRST SCHEDULE

Sections 1, 6.

#### SUPPLEMENTARY PROVISIONS RELATING TO GENERAL COUNCIL AND BRANCH COUNCILS

1. The validity of any proceedings of the General Council shall not be affected by any vacancy among the members of the Council or by any defect in the nomination, appointment or election of a member thereof.

2. The quorum of the General Council shall be eight.

3. The General Council may by Standing Order make provision as to the times and places of their meetings and the mode of summoning them, and any such Standing Order may be varied or revoked by a subsequent Standing Order of the Council.

4. In the absence of the President from any meeting of the General Council, the members present shall choose one of their number to act as president.

5. All acts of the General Council shall be decided by the votes of a majority of the members present at any meeting, and if the votes are equal the President or person acting in his stead shall, in addition to his vote as a member of the Council, have a casting vote.

1ST SCH.  
—cont.

*Committees of the General Council*

6.—(1) The General Council may constitute out of their membership one or more committees, and may delegate to them such of the Council's functions as they think fit other than the power to make representations under subsection (1) of section thirteen or under section fourteen of this Act.

(2) The quorum of any such committee shall be three.

*Remuneration and allowances for attendance at General Council and branch councils and capacity for membership of House of Commons*

7.—(1) There shall be paid to the members of the General Council and of the branch councils such fees for attendance and such reasonable travelling expenses and subsistence allowances as the General Council with approval of the Treasury may allow :

Provided that in the case of a member who is a member of the House of Commons this sub-paragraph shall have effect as if the words "such fees for attendance and" were omitted.

(2) No person shall be disqualified for being elected to the House of Commons or sitting or voting as a member thereof by reason of being a member of the General Council or of a branch council.

*Officers and servants of General Council and branch councils*

8. The registrar of the General Council shall be secretary of the Council and of the branch council for England and Wales, and the registrar of the branch council for Scotland and the registrar of the branch council for Ireland shall respectively be secretary of those councils.

9.—(1) The General Council may appoint a person or persons to be treasurer or treasurers thereof, and in default of any such appointment the registrar of the General Council shall be treasurer of the Council.

(2) The treasurer or treasurers of the General Council shall be treasurer or treasurers of the branch council for England and Wales.

(3) In the case of either of the other branch councils, the registrar thereof shall be treasurer thereof unless that branch council appoint some other person or persons to be treasurer or treasurers thereof.

10. The General Council and each branch council shall appoint such officers and servants as may be necessary for the purposes of this Act.

11. Every registrar, treasurer, officer and servant of the General Council or a branch council shall be paid such salary as the council he serves think fit and shall be removable at the pleasure of that council.

*Expenses of General Council and branch councils, and accounts*

12.—(1) All moneys payable to the General Council or to a branch council shall be paid to the treasurer or treasurers of the council in question.

(2) All moneys received by any treasurer arising from fees to be paid on registration, from the sale of registers, from penalties or otherwise, shall be applied for expenses of registration and of the execution of this Act.

(3) In the application of moneys to defray the expenses of carrying this Act into execution the following provisions shall have effect :—

1st Sch.  
—cont.

- (a) separate accounts shall be kept of the expenses of the General Council and of the expenses of each branch council ;
- (b) the expenses of the General Council (including the expenses of keeping, printing and publishing the register) shall be defrayed, under the direction of the General Council, by means of an equal percentage rate upon all moneys received by each of the branch councils, and—
  - (i) the treasurer or treasurers of each of the branch councils shall make returns of all moneys received by the council in question at such times as the General Council direct, and
  - (ii) the General Council shall compute the necessary percentage, and the treasurer or treasurers of each branch council shall pay the contribution of that council to the treasurer or treasurers of the General Council ;
- (c) the expenses of each branch council shall be defrayed, under the direction of that council, out of the residue of the moneys received by that council.

13.—(1) The treasurer or treasurers of the General Council and of each branch council shall keep true accounts of all moneys received and paid by them, and shall submit the accounts to the General Council or branch council, as the case may be, at such times as the council to whom the accounts are to be submitted may require.

(2) The said accounts shall be published annually.

(3) The said accounts shall be laid before both Houses of Parliament in each year, in the month of March if Parliament is then sitting, or, if Parliament is not then sitting, within one month after the next meeting of Parliament.

## SECOND SCHEDULE

Section 4.

### PROVISIONS AS TO ELECTION OF MEMBERS OF GENERAL COUNCIL

1. The President of the General Council, or any other person whom the General Council may from time to time appoint, shall be the returning officer for the purpose of elections of elected members of the General Council.

2.—(1) Where a vacancy will require to be filled by reason of effluxion of time or the creation of a power to return an additional member, the returning officer shall issue his precept for the holding of an election not more than three months and not less than two months before the day by which the vacancy will require to be filled.

(2) Where a vacancy, not being one to which the proviso to subsection (6) of section four of this Act applies, arises by death or resignation the returning officer shall issue his precept as soon as conveniently may be after the occurrence of the vacancy.

2ND SCH.  
—cont.

(3) Any precept for holding an election shall be issued to the appropriate branch council requiring that council to cause an election to fill the vacancy to be held within forty days after the day on which the precept is received.

3. Elections shall be conducted in such manner as may be provided by regulations made by the Privy Council, but subject to the following provisions of this Schedule.

4. As respects the election of any person as resident in Wales, the regulations shall make provision for conducting the election separately and otherwise for giving effect to the requirements of paragraph (a) of subsection (1) of section four of this Act that one of the eight members referred to in that paragraph shall be elected as so resident.

5. A candidate for election must be nominated in writing and his nomination paper must be signed by not fewer than twelve fully registered persons.

6. The following provisions shall have effect as to voting—

(a) the election shall be by voting papers ;

(b) the appropriate branch council shall cause a voting paper to be sent to each medical practitioner entitled to vote at the election by posting it to him at his address as registered, but an election shall not be rendered void by any failure so to do and any practitioner to whom a voting paper has not been sent in pursuance of the foregoing provisions of this paragraph may on application to the registrar of the appropriate branch council obtain one from him ;

(c) a person entitled to vote may, if the election is to fill two or more vacancies, vote for as many candidates as there are vacancies.

7. The appropriate branch council shall certify to the returning officer the person or persons elected.

8. The time for coming into office of a person elected shall be as follows:—

(a) if his predecessor retired at the end of his term of office or vacated office in the last twelve months of that term, whether by death or resignation, the expiration of that term ;

(b) otherwise, the beginning of the day on which the appropriate branch council certifies to the returning officer that he has been elected.

9. The expenses of and incidental to elections shall be defrayed as part of the expenses of the appropriate branch council.

10. In this Schedule the expression “the appropriate branch council” means, in relation to the filling of any vacancy, the branch council for the area residence in which qualifies persons to vote in an election to fill that vacancy.

**THIRD SCHEDULE**  
**REGISTRABLE QUALIFICATIONS FOR PURPOSES OF PART II**

Sections 7, 8, 9,  
10, 11, 14, 15, 42.

| University or other body<br>granting qualification          | Primary<br>qualifications                                                                                       | Additional<br>qualifications                                                       |
|-------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|
| Any university in England or<br>Wales, Scotland or Ireland. | Degree of bachelor of<br>medicine, licence or<br>licentiate in medi-<br>cine, degree of<br>bachelor of surgery. | Degree of doctor of<br>medicine, master of<br>surgery, or master in<br>obstetrics. |
| Any university in Ireland.                                  | Licence in surgery.                                                                                             |                                                                                    |
| Royal College of Physicians<br>of London.                   | Licentiate.                                                                                                     | Fellowship, member-<br>ship.                                                       |
| Royal College of Surgeons of<br>England.                    | Membership, licen-<br>tiate in midwifery.                                                                       | Fellowship.                                                                        |
| Society of Apothecaries of<br>London.                       | Licentiate, licentiate<br>in medicine and<br>surgery.                                                           | —                                                                                  |
| Royal College of Physicians<br>of Edinburgh.                | Licentiate.                                                                                                     | Fellowship, member-<br>ship.                                                       |
| Royal College of Surgeons<br>of Edinburgh.                  | Licentiate.                                                                                                     | Fellowship.                                                                        |
| Royal Faculty of Physicians<br>and Surgeons of Glasgow.     | Licentiate.                                                                                                     | Fellowship.                                                                        |
| Royal College of Physicians<br>of Ireland.                  | Licentiate.                                                                                                     | Fellowship, member-<br>ship, licentiate in<br>midwifery.                           |
| Royal College of Surgeons<br>in Ireland.                    | Licentiate.                                                                                                     | Fellowship, licentiate<br>in midwifery.                                            |
| Apothecaries' Hall, Dublin.                                 | Licentiate.                                                                                                     | —                                                                                  |

**FOURTH SCHEDULE**

Section 37.

**PROVISIONS AS TO PROCEEDINGS OF DISCIPLINARY COMMITTEE**

1. The validity of any proceedings of the Disciplinary Committee shall not be affected by any vacancy among the members of the Committee or by any defect in the appointment of a member thereof.

2. At any meeting of the Disciplinary Committee the President of the General Council, or in his absence such member as the Committee shall choose, shall be chairman.

3.—(1) The quorum of the Disciplinary Committee shall be five.

(2) The Disciplinary Committee shall make arrangements for securing that, except where it appears to the President or a member of the Committee authorised by him to act on his behalf that there are circumstances requiring the presence of a greater number of members of the Committee, not more than nine members of the Committee shall attend for the hearing of any case.

(3) The Disciplinary Committee shall make arrangements for securing that at the hearing of any case at least one of the members who are neither fully registered nor holders of any qualification registrable under this Act, and at least two of the members who are elected members of the General Council, shall be eligible to attend.

4TH SCH.  
—cont.

4. All acts of the Disciplinary Committee shall be decided by the votes of the majority of the members present at a meeting.

5.—(1) For the purpose of proceedings before the Disciplinary Committee the Committee may administer oaths, and any party to the proceedings may sue out writs of sub poena ad testificandum and duces tecum, but no person shall be compelled under any such writ to produce any document which he could not be compelled to produce on the trial of an action.

(2) Section forty-nine of the Supreme Court of Judicature (Consolidation) Act, 1925 (which provides a special procedure for the issue of such writs so as to be in force throughout the United Kingdom) shall apply in relation to proceedings before the Disciplinary Committee as it applies in relation to causes or matters in the High Court.

Section 57.

### FIFTH SCHEDULE ENACTMENTS REPEALED

| Session and Chapter   | Short Title                                 | Extent of Repeal                                                                                                                                                                                                                                            |
|-----------------------|---------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 32 Hen. 8. c. 40      | The Physicians Act, 1540.                   | The whole Act.                                                                                                                                                                                                                                              |
| 21 & 22 Vict. c. 90.  | The Medical Act, 1858.                      | Sections two to forty-six; section fifty-five; and Schedules (A) and (D).                                                                                                                                                                                   |
| 22 Vict. c. 21...     | The Medical Act, 1859.                      | The whole Act.                                                                                                                                                                                                                                              |
| 23 Vict. c. 7...      | The Medical Acts Amendment Act, 1860.       | The whole Act.                                                                                                                                                                                                                                              |
| 25 & 26 Vict. c. 91.  | The Medical Council Act, 1862.              | The whole Act.                                                                                                                                                                                                                                              |
| 37 & 38 Vict. c. 34.  | The Apothecaries Act Amendment Act, 1874.   | Section three.                                                                                                                                                                                                                                              |
| 39 & 40 Vict. c. 40.  | The Medical Practitioners Act, 1876.        | The whole Act.                                                                                                                                                                                                                                              |
| 49 & 50 Vict. c. 48.  | The Medical Act, 1886.                      | Sections two to five; in section six the words "in the United Kingdom and"; sections seven to twenty-four; in section twenty-seven the words "except where the context otherwise requires" and the definitions other than that of "local law" and "person". |
| 63 & 64 Vict. c. xix. | The Birmingham University Act, 1900.        | Sections nine and ten.                                                                                                                                                                                                                                      |
| 3 Edw. 7. c. ccxxxii. | The Liverpool University Act, 1903.         | Sections ten and eleven.                                                                                                                                                                                                                                    |
| 4 Edw. 7. c. xxxv.    | The University of Leeds Act, 1904.          | Sections eight and nine.                                                                                                                                                                                                                                    |
| 5 Edw. 7. c. 14       | The Medical Act (1886) Amendment Act, 1905. | The whole Act.                                                                                                                                                                                                                                              |
| 5 Edw. 7. c. clii     | The University of Sheffield Act, 1905.      | Sections seven and eight                                                                                                                                                                                                                                    |

5TH SCH.  
—cont.

| Session and Chapter    | Short Title                                            | Extent of Repeal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|------------------------|--------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 7 Edw. 7. c. xxii.     | The Apothecaries Act, 1907.                            | Section five.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 8 Edw. 7. c. 38        | The Irish Universities Act, 1908.                      | Section eleven.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 9 Edw. 7. c. xlii      | The University of Bristol Act, 1909.                   | Sections seven and eight.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 1 & 2 Geo. 5. c. 43.   | The University of Wales (Medical Graduates) Act, 1911. | The whole Act.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 17 & 18 Geo. 5. c. 39. | The Medical and Dentists Acts Amendment Act, 1927.     | In section one, the words from "and so far as" in subsection (1) to the end of the section; in section three, subsections (2), (4) and (5).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 11 & 12 Geo. 6. c. 11. | The Medical Practitioners and Pharmacists Act, 1947.   | Section eight.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 14 Geo. 6. c. 29       | The Medical Act, 1950.                                 | Sections one to five; in section six, subsections (1) and (2), in subsection (3), paragraphs (a) and (b) and the words "but not further" and subsections (4) to (7); sections seven to twenty-four; subsection (1) of section twenty-five; sections twenty-six to twenty-eight and thirty and thirty-two; in section thirty-four, in subsection (1), the words "on the Lord Chancellor to make rules and", subsection (2), in subsection (3) and subsection (4) the words from "other than" to "day"; section thirty-five, except the words in subsection (4) from "for the purpose" to the end; sections thirty-six and thirty-seven; subsection (2) of section thirty-eight; the First Schedule; the Second Schedule, except the entry relating to the Medical Practitioners and Pharmacists Act, 1947, in the first column and the words from the beginning to "by virtue of section eleven" in the corresponding entry in the second column. |

*Table of Statutes referred to in this Act*

| Short Title                                            | Session and Chapter        |
|--------------------------------------------------------|----------------------------|
| Apothecaries Act, 1815 ... ..                          | 55 Geo. 3. c. 194.         |
| Judicial Committee Act, 1833 ... ..                    | 3 & 4 Will. 4. c. 41.      |
| Medical Act, 1858 ... ..                               | 21 & 22 Vict. c. 90.       |
| Medical Act, 1886 ... ..                               | 49 & 50 Vict. c. 48.       |
| Interpretation Act, 1889 ... ..                        | 52 & 53 Vict. c. 63.       |
| Government of Ireland Act, 1920 ... ..                 | 10 & 11 Geo. 5. c. 67.     |
| Supreme Court of Judicature (Consolidation) Act, 1925. | 15 & 16 Geo. 5. c. 49.     |
| Medical and Dentists Acts Amendment Act, 1927.         | 17 & 18 Geo. 5. c. 39.     |
| Pharmacy and Medicines Act, 1941 ... ..                | 4 & 5 Geo. 6. c. 42.       |
| National Health Service Act, 1946 ... ..               | 9 & 10 Geo. 6. c. 81.      |
| National Health Service (Scotland) Act, 1947...        | 10 & 11 Geo. 6. c. 27.     |
| Medical Practitioners and Pharmacists Act, 1947.       | 11 & 12 Geo. 6. c. 11.     |
| British Nationality Act, 1948 ... ..                   | 11 & 12 Geo. 6. c. 56.     |
| Consolidation of Enactments (Procedure) Act, 1949.     | 12, 13 & 14 Geo. 6. c. 33. |
| India (Consequential Provision) Act, 1949 ...          | 12, 13 & 14 Geo. 6. c. 92. |
| Medical Act, 1950 ... ..                               | 14 Geo. 6. c. 29.          |
| Pakistan (Consequential Provision) Act, 1956...        | 4 & 5 Eliz. 2. c. 31.      |



5 ELIZ. 2

## CHAPTER 1

An Act to authorise retrospective provision to be made for the remuneration of members of police forces and fire brigades and of probation officers.

[28th November, 1956]

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

1.—(1) Subject to the provisions of this section, any regulations or rules made by the Secretary of State—

Power to make  
pay increases  
retrospective.

- (a) under section four of the Police Act, 1919, for regulating the remuneration of members of police forces in England and Wales; 9 & 10 Geo. 5. c. 46.
- (b) under section four, as read with section thirteen, of that Act, or section eleven of the Police (Scotland) Act, 1956, for regulating the remuneration of members of police forces in Scotland; 4 & 5 Eliz. 2. c. 26.
- (c) under section seventeen of the Fire Services Act, 1947, for regulating the remuneration of members of fire brigades; or 10 & 11 Geo. 6. c. 41.
- (d) under the Fifth Schedule to the Criminal Justice Act, 1948, or the Third Schedule to the Criminal Justice (Scotland) Act, 1949, for prescribing the remuneration of probation officers, 11 & 12 Geo. 6. c. 58.  
12, 13 & 14 Geo. 6. c. 94.

(including regulations or rules amending regulations or rules so made, whether before or after the passing of this Act) may be made with retrospective effect to any date specified therein, not being earlier than the eighth day of September, nineteen hundred and fifty-five.

(2) Nothing in this section shall be construed as authorising the remuneration payable to any person to be reduced retrospectively.

(3) In this section “remuneration” includes salary, pay and allowances.

2.—(1) This Act may be cited as the Police, Fire and Probation Officers Remuneration Act, 1956. Short title and extent.

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

## CHAPTER 2

An Act to increase the duties of customs and excise chargeable on hydrocarbon oils, petrol substitutes, and spirits used for making power methylated spirits and, in connection therewith, to enable certain fares to be increased.  
[20th December, 1956]

Most Gracious Sovereign,

**W**E, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom in Parliament assembled, have freely and voluntarily resolved to give and grant unto Your Majesty the increased 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:—

Increase of duties.

18 & 19 Geo.  
5. c. 17.

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

1.—(1) As from six o'clock in the evening of the fourth day of December, nineteen hundred and fifty-six, the rate of the customs duty chargeable under section two of the Finance Act, 1928, on hydrocarbon oils shall be three shillings and sixpence a gallon (instead of two shillings and sixpence a gallon as provided by section one of the Finance Act, 1952), and any Act or order which fixes by reference to the rate of that duty the rate of the excise duty on hydrocarbon oils, on petrol substitutes or on spirits used in making power methylated spirits, or the rate of any rebate from the customs or excise duty on hydrocarbon oils, shall have and be deemed to have had effect accordingly:

Provided that, if it appears to the Treasury expedient having regard to the circumstances giving rise to the present increase in the customs duty on hydrocarbon oils and to any change of circumstances, the Treasury may by order made by statutory instrument direct that the rate of that duty shall again be two shillings and sixpence a gallon, and on the coming into force of any such order the rate of that duty and the other rates above-mentioned shall be reduced accordingly.

(2) If no order is made by the Treasury under this section so as to come into force at or before the expiration of one month beginning with the first day after the passing of this Act on which no petrol-rationing order is in force, this Act shall have effect as if the Treasury had made an order under this section to come into force at the expiration of that month.

In this subsection "petrol-rationing order" means an order made under Regulation 55 of the Defence (General) Regulations, 1939, restricting the supply, acquisition, use or consumption of any goods chargeable with the customs or excise duty on hydrocarbon oils.

2.—(1) Subject to the following provisions of this section, the holder of any road service licence under section seventy-two of the Road Traffic Act, 1930, may, with a view to off-setting the increase in duties under this Act, charge for the carriage of passengers in public service vehicles used under the licence fares in excess of those permitted by conditions attached to the licence (and may do so notwithstanding that the licence is granted or the relevant conditions are attached or varied after the passing of this Act), but shall not be entitled to increase fares beyond those permitted as aforesaid in any way which, according to the best of his judgment, will increase his aggregate gross receipts from passenger fares on public service vehicles used by him under road service licences by more than the appropriate fraction of what they would have been with the fares so permitted.

Consequential provision for increase in bus fares &c. 20 & 21 Geo. 5. c. 43.

(2) Subsection (1) of this section shall not apply in relation to fares chargeable on services provided by the London Transport Executive; but, subject to the following provisions of this section, the fares chargeable for the carriage of passengers on any (road or rail) services so provided may, with a view to off-setting the increase in duties under this Act, be increased beyond the amounts permitted by any charges scheme under Part V of the Transport Act, 1947, or, as the case may be, by conditions attached to any road service licence under section seventy-two of the Road Traffic Act, 1930 (and may be so increased notwithstanding that the scheme is made or varied, or the licence is granted or the relevant conditions attached or varied, after the passing of this Act), but shall not be increased beyond the fares permitted as aforesaid in any way which, according to the best of the judgment of the British Transport Commission, will increase the aggregate gross receipts from passenger fares on services provided by the Executive (exclusive of services provided by contract carriages) by more than the appropriate fraction of what, with the fares so permitted, the gross receipts would have been from passenger fares on stage and express carriages operated by the Executive.

10 & 11 Geo. 6. c. 49.

(3) The appropriate fraction for the purposes of this section is one-twelfth, except that it shall be one-eighth for the purposes of subsection (1) in its application to any holder of a road service licence who is the owner (within the meaning of the Road Traffic Act, 1930)—

- (a) where the services operated by him under road service licences are certified by a chairman of traffic commissioners or by the commissioner for the Metropolitan traffic area to be substantially rural services, of not more than fifty public service vehicles; or
- (b) in any other case, of not more than five public service vehicles.

(4) The rights conferred by the foregoing provisions of this section shall come to an end with the day on which an order of

the Treasury under section one of this Act comes into force; but any fares then chargeable by virtue of those provisions may continue to be charged till the end of the following fortnight or such longer period as, for all or any of those fares, may for special reasons be allowed by the traffic commissioners who granted the relevant road service licence or, in so far as the fares fall to be determined by a charges scheme under Part V of the Transport Act, 1947, be allowed by the Transport Tribunal.

The procedure in relation to an application to the Transport Tribunal under this subsection shall be such as the Tribunal think fit, and in particular the Tribunal may deal with the application without a public sitting.

(5) Any increase of fares under this section shall be disregarded in determining whether or not conditions attached to a road service licence are or have been complied with or a vehicle is or has been used in accordance with the provisions of such a licence.

**Consequential provisions for increase in taxi fares.**

3.—(1) Subject to the following provisions of this section, where in any part of the United Kingdom the charges payable for hackney carriages are fixed by byelaws, the charges so payable may, with a view to off-setting the increase in duties under this Act, be increased beyond those permitted by the byelaws by such amounts (not exceeding in total sixpence for any one journey) as may from time to time be authorised by resolution of the authority having power to vary the byelaws; and any additional charge may be recovered in the same way as the fare allowed by the byelaws.

(2) A copy of any resolution giving, varying or revoking authority to increase charges under this section shall be deposited at the offices of the authority by whom the resolution is passed, and shall at all reasonable hours be open to public inspection without payment.

(3) Any power to increase charges under this section shall come to an end at the expiration of a fortnight after the day on which an order of the Treasury under section one of this Act comes into force.

(4) Any increase of charges under this section shall be disregarded in determining whether or not any byelaws relating to hackney carriages are or have been complied with or a vehicle is or has been used in accordance with such byelaws.

**Short title.**

4. This Act may be cited as the Hydrocarbon Oil Duties (Temporary Increase) Act, 1956.

### CHAPTER 3

An Act to increase the borrowing powers of the British Overseas Airways Corporation and the British European Airways Corporation; and for purposes connected with the matter aforesaid.

[20th December, 1956]

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

1.—(1) The limit imposed by section twelve of the Air Corporations Act, 1949 (hereinafter referred to as “the principal Act”), as amended by section one of the Air Corporations Act, 1953, on the amount outstanding at any time of money borrowed by the British Overseas Airways Corporation (hereinafter referred to as “the overseas corporation”) or the British European Airways Corporation shall be raised—

Increase of borrowing powers of air corporations. 12, 13 & 14 Geo. 6. c. 91. 2 & 3 Eliz. 2. c. 7.

- (a) as respects money borrowed by the overseas corporation, from eighty million pounds to one hundred and sixty million pounds;
- (b) as respects money borrowed by the British European Airways Corporation, from thirty-five million pounds to sixty million pounds.

(2) The overseas corporation may, with the consent of the Treasury, borrow from the International Bank for Reconstruction and Development or the Export-Import Bank of Washington, or partly from one of the said banks and partly from the other, on such terms as may be agreed between the corporation and the bank in question, any sums required by the corporation for the purpose of buying aircraft manufactured in the United States of America and any spare part or equipment required for incorporation in or use in connection with such aircraft:

Provided that nothing in this subsection shall authorise the overseas corporation to borrow in excess of the limit imposed by subsection (1) of section twelve of the principal Act as amended by the foregoing subsection, and accordingly the references to temporary loans in the said subsection (1), and in subsection (3) of the said section twelve as it applies to the overseas corporation, shall include references to sums borrowed under this subsection.

(3) The power conferred on the Treasury by subsection (1) of section ten of the principal Act to guarantee the repayment of, and the payment of any interest on, any temporary loan raised by the overseas corporation shall include power to guarantee the repayment of and the payment of any interest on and other

charges in respect of any sums borrowed by the overseas corporation under the last foregoing subsection; and subsections (2) to (5) of the said section ten (which provide for the issue out of the Consolidated Fund of sums required for fulfilling guarantees under that section, for the repayment of such sums and for the laying before Parliament of statements and accounts in respect of such guarantees) shall have effect accordingly as if in paragraph (b) of subsection (3) of that section the references to a temporary loan and to interest thereon respectively included references to any sums borrowed by the overseas corporation under the last foregoing subsection and to charges other than interest in respect of such sums.

Short title,  
citation and  
repeal.

2.—(1) This Act may be cited as the Air Corporations Act, 1956; and this Act and the Air Corporations Acts, 1949 and 1953, may be cited together as the Air Corporations Acts, 1949 to 1956.

(2) Section one of the Air Corporations Act, 1953, is hereby repealed.

---

## CHAPTER 4

An Act to continue certain expiring laws.

[20th December, 1956]

**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-six; and
- (b) as respects those mentioned in Part II of the said Schedule, on the thirty-first day of March, nineteen hundred and fifty-seven:

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-seven.

(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-eight.

(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.

2.—(1) This Act may be cited as the Expiring Laws Continuance Act, 1956.

Short title and application to Northern Ireland.

(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>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. |
| (4)<br>10 & 11 Geo. 6.<br>c. 36.     | The Education (Exemptions) (Scotland) Act, 1947.                    | The whole Act.        | —                                                   |
| (5)<br>12, 13 & 14<br>Geo. 6. c. 25. | The Tenancy of Shops (Scotland) Act, 1949.                          | The whole Act.        | —                                                   |
| (6)<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                                                                          |
|---------------------------------|------------------------------------------------------------|-------------------|----------------------------------------------------------------------------------------|
| (7)<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. |
| (8)<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.                              |
| (9)<br>1 & 2 Eliz. 2.<br>c. 46. | The Licensing Act, 1953.                                   | Part II.          | —                                                                                      |

## CHAPTER 5

An Act to make provision for the payment of subsidies in respect of the construction or improvement of silos.  
[20th December, 1956]

**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 appropriate Minister may by a scheme made with the approval of the Treasury (hereinafter referred to as "a scheme") make provision for the payment of subsidies, at such rates as may be provided for by the scheme, in respect of the carrying out of works for the construction or improvement of silos in the United Kingdom, being works approved for the purposes of the scheme by the appropriate Minister within such period as may be specified in the scheme, and being silos for the making and containing of silage.

(2) A scheme may be a separate scheme for England and Wales or for Scotland or for Northern Ireland, or may be a joint scheme for the whole of the United Kingdom, for Great Britain, for England and Wales and Northern Ireland, or for Scotland and Northern Ireland, and in this Act the expression "the appropriate Minister" means—

(a) in relation to a separate scheme for England and Wales or for Northern Ireland, or a joint scheme for England and Wales and Northern Ireland, the Minister of Agriculture, Fisheries and Food;

Schemes  
for silo  
subsidies.



- (b) in relation to any other joint scheme, the said Minister and the Secretary of State acting jointly; and
  - (c) in relation to a separate scheme for Scotland, the Secretary of State.
- (3) The period specified in a scheme may begin before or after the commencement of this Act but not earlier than the eighth day of November, nineteen hundred and fifty-six, and shall end not later than three years after it begins or, if it begins before the commencement of this Act, not later than three years after the commencement of this Act.
- (4) A scheme may make provision—
- (a) for defining or limiting the works in respect of which payments may be made under the scheme;
  - (b) for different rates of subsidy, or different methods of calculating rates of subsidy, according to the nature of the works;
  - (c) for prohibiting or restricting the making of payments under the scheme in cases in which payments out of moneys provided by Parliament under any other Act, or out of moneys provided by the Parliament of Northern Ireland under any Act of that Parliament, are available in respect of the same works;
  - (d) for restricting in any case or class of cases the aggregate amount of the payments which may be made under the scheme in respect of works on any one agricultural unit as defined by the scheme;
  - (e) as to the persons to whom payments may be made under the scheme in respect of any works;
  - (f) for securing that no payment under the scheme shall be made except subject to such conditions as may be specified in the scheme and in particular (but without prejudice to the generality of the foregoing provisions of this paragraph) unless application therefor is made at the time and in the manner specified in the scheme;
  - (g) for such incidental and supplementary matters as appear to the appropriate Minister to be requisite or expedient for the purposes of the scheme.
- (5) The power to make a scheme shall include power to vary or revoke the scheme by a subsequent scheme:

Provided that—

- (a) a scheme shall not be varied by the extension of the period specified therein;

(b) a scheme shall not be so varied or revoked as to reduce or exclude payments thereunder in respect of any works approved for the purposes thereof by the appropriate Minister before the coming into operation of the variation or revocation.

(6) The power to make, vary or revoke a scheme shall be exercisable by statutory instrument, and no such instrument shall be made unless a draft thereof has been laid before Parliament and has been approved by resolution of each House of Parliament.

Expenses.

2. There shall be defrayed out of moneys provided by Parliament—

(a) all payments made under schemes; and

(b) any other expenses of the appropriate Minister incurred in pursuance of this Act.

Short title.

3. This Act may be cited as the *Agriculture (Silo Subsidies) Act, 1956*.



## **TABLE III**

---

### **CHRONOLOGICAL LIST OF THE MEASURES**

**PASSED BY THE NATIONAL ASSEMBLY OF THE CHURCH  
OF ENGLAND WHICH RECEIVED THE ROYAL  
ASSENT DURING THE YEAR  
1956**

**4 & 5 ELIZ. 2**

**No. 2. Representation of the Laity Measure, 1956,  
p. ii.**

**No. 3. Parochial Church Councils (Powers) Measure,  
1956, p. xxvi.**

## 4 &amp; 5 ELIZ. 2

## No. 2

**A MEASURE passed by the National Assembly of the  
Church of England**

To amend the Rules for the Representation of the Laity,  
and in particular, to enlarge the subject matter of the  
Rules in certain respects. [5th July, 1956]

Substitution  
of new Rules  
for the  
Representation  
of the Laity.

1. From and after the commencement of this Measure the Rules for the Representation of the Laity contained in the Schedule to this Measure shall be substituted, in the Schedule to the Constitution, for the Rules for the Representation of the Laity contained in the Schedule to the Representation of the Laity Measure, 1929, and the Constitution shall have effect accordingly.

Repeals.

2.—(1) The Representation of the Laity Measure, 1929, is hereby repealed, and accordingly the Rules contained in the Schedule to that Measure shall cease to have effect.

(2) The House of Laity (Co-opted Members) Measure, 1937, and the House of Laity Representation Regulation, 1923, are hereby repealed.

(3) Sections nine to fifteen of the Parochial Church Councils (Powers) Measure, 1921, and the Schedule to that Measure, are hereby repealed.

Savings and  
transitional  
provisions.

3.—(1) Without prejudice to the effect of section thirty-eight of the Interpretation Act, 1889, this Measure shall not affect any person's membership of the House of Laity or of any other body, or the tenure of any office, or the contents of any church electoral roll, until such membership is terminated, or such office is vacated, or such roll is revised, in accordance with the law in force after the commencement of this Measure.

(2) Any rule, order, determination, resolution, decision, appointment, scheme or consent, or any ruling of a diocesan conference, in effect immediately before the commencement of this Measure under or for the purposes of any provision contained in the Rules hereby repealed, shall continue to have effect, so far as applicable, for the purposes of any corresponding provision contained in the Rules set out in the Schedule hereto, and may be revoked or varied as if made under the Rules last mentioned.

(3) Any body constituted under the Rules hereby repealed and in existence immediately before the commencement of this Measure shall be deemed to have been constituted under the corresponding provisions (if any) of the Rules set out in the Schedule hereto, and its constitution may be revoked or varied accordingly.

(4) Where at the commencement of this Measure a person's name is on the church electoral roll of two or more parishes, he shall within six months from the date of such commencement select one of those parishes as the parish on the roll of which he desires his name to remain, and notify the councils of all the said parishes in writing of his selection. If he fails to make such a selection and to give such notices, he shall be treated as having elected that his name shall remain on the roll of the parish on which his name was last entered. The provisions of this subsection shall, however, be without prejudice to his right to have his name entered on the roll of any parish in accordance with the Rules for the Representation of the Laity in force after the commencement of this Measure.

4. The expression "this Constitution", where used in the Constitution, and the expression "the Constitution" where used in the Church of England Assembly (Powers) Act, 1919, shall include the Constitution as varied by this Measure. Interpretation of references to the Constitution.

5.—(1) This Measure may be cited as the Representation of the Laity Measure, 1956. Short title commencement and extent.

(2) This Measure shall come into operation on the first day of January, 1957.

(3) This Measure shall extend to the whole of the Provinces of Canterbury and York except the Channel Islands and the Isle of Man:

Provided that, if an Act of Tynwald so provides, this Measure shall extend to the Isle of Man subject to such modifications, if any, as may be specified in such Act of Tynwald.

## SCHEDULE

### RULES FOR THE REPRESENTATION OF THE LAITY

#### PRELIMINARY

##### *Interpretation*

1.—(1) In these rules—

"actual communicant member" means a person who has received Communion according to the use of the Church of England or of a church in communion therewith at least once within the twelve months preceding the date of his election or appointment;

"Council" means a parochial church council.

"Minister" means the incumbent or perpetual curate of a parish or a curate licensed under seal by the bishop to the charge of that parish;

"Parish" means an ecclesiastical parish or district, whether old or new, the Minister of which has a separate cure of souls therein, and includes—

(a) each parish which remains a separate parish, in cases where a scheme of union provides for the union of benefices but not of parishes; and

(b) any district which is constituted a "conventional district" for the cure of souls and has a separate curate licensed thereto;

"Public Worship" means public worship according to the rites and ceremonies of the Church of England.

"Ruri-decanal conference" means a ruri-decanal conference constituted for a rural deanery under rule 16 of these rules.

(2) Any reference in these rules to the laity shall be construed as a reference to persons other than Clerks in Holy Orders, and the expression "lay" in these rules shall be construed accordingly.

(3) In these rules words importing residence include residence of a regular nature but do not include residence of a casual nature.

(4) Any reference herein to "these rules" shall be construed as including a reference to the Appendices hereto.

#### *Lay representation*

2.—(1) The laity shall meet in parochial church meetings and be represented in—

- (i) parochial church councils;
- (ii) ruri-decanal conferences, where such conferences exist;
- (iii) diocesan conferences; and
- (iv) the House of Laity;

by persons of either sex (in these rules referred to as "representatives of the laity") who are actual communicant members of the Church of England of twenty-one years of age and upwards:

Provided that a Clerk in Holy Orders shall not be a representative of the laity.

(2) No person shall be elected as a representative of the laity on any of the said bodies unless either he has signified his consent or there is in the opinion of the meeting at which he is elected sufficient evidence of his willingness to serve.

(3) No person shall be disqualified from being elected as a representative of the laity—

- (i) by the fact that he is not himself qualified to vote at the election at which he is elected (but this provision shall not apply to a representative of the laity on a parochial church council, who must be qualified to vote at such election); or
- (ii) by the fact that he is also a member *ex officio* or otherwise of the body to which he is elected

(4) No representative of the laity shall vacate his seat upon the body to which he has been elected by reason only of the fact that subsequently to his election he has become a member of that body *ex officio*.

## CHURCH ELECTORAL ROLL

*Formation, Revision and Publication*

3.—(1) There shall be a church electoral roll (in these rules referred to as “the roll”) in every parish. The roll shall be available for inspection by bona-fide inquirers.

(2) The persons entitled to have their names entered upon the roll of the parish shall be lay members of the Church of England, of either sex, of seventeen years of age and upwards who—

(a) are baptised and declare that they are members of the Church of England and that they do not belong to any religious body which is not in communion with the Church of England ; and

(b) are resident in the parish, or, if not so resident, have habitually attended public worship in the parish during a period of six months prior to enrolment ; and

(c) have signed the form of application for enrolment set out in Section 1 of Appendix I to these rules.

(3) No person shall be entitled to have his name on the roll of more than one parish at the same time:

Provided that where :—

(a) a person has the qualifications required under these rules for having his name on the roll of two parishes ;

(b) his name is on the roll of one of those parishes ;

(c) he applies in accordance with these rules to have his name entered on the roll of the other parish ;

(d) the councils of both parishes consent to his name being on the roll of both parishes ;

then, for so long as he retains the necessary qualifications, he shall be entitled to have his name on the roll of both the parishes concerned. The granting of such consent shall be in the discretion of the councils hereinbefore mentioned, and there shall be no right of appeal if it is withheld.

No person shall in any circumstances be entitled to have his name on the roll of more than two parishes at the same time.

(4) The roll shall, until a parochial church council has been constituted in a parish, be formed and revised by the minister and churchwardens (if any), and shall, after a council has been constituted, be kept and revised by or under the direction of the council. References in this rule to a council or to the secretary of a council shall, so far as may be necessary for giving effect to these rules, be construed as including references to the minister and churchwardens (if any).

(5) The names of persons who are entitled to have their names entered upon the roll of the parish shall, subject to the provisions of these rules, be from time to time added to the roll. No name shall be added to or removed from the roll except by the authority of the council and it shall be the duty of the council to keep the roll constantly up to date and to cause names to be added and removed as from time to time required by these rules.

(6) Subject to the provisions of this rule, a person's name shall as the occasion arises be removed from the roll if he—

- (a) has died ; or
- (b) signifies in writing his desire that his name should be removed ; or
- (c) becomes a member of any religious body which is not in communion with the Church of England ; or
- (d) ceases to reside in the parish, unless after so ceasing he continues habitually to attend public worship in the parish ; or
- (e) is not resident in the parish and has not attended public worship in the parish during the preceding six months, not having been prevented from doing so by illness or other sufficient cause ; or
- (f) at any time after the entry of his name on the roll has his name entered on the roll of another parish except in accordance with the proviso to paragraph (3) of this rule ; or
- (g) was not qualified to have his name entered on the roll at the time when it was entered.

(7) The removal of a person's name from the roll under any of the provisions of these rules shall be without prejudice to his right to have his name entered again, if he is entitled to do so.

(8) The roll shall where practicable contain a record of the address of every person whose name is entered on the roll, but a failure to comply with this requirement shall not prejudice the validity of any entry on the roll.

(9) The roll of a parish shall be revised annually by or under the direction of the council. Notice of the intended revision in the form set out in Section 2 of Appendix I to these rules shall be affixed by the minister or under his direction on or near the principal door of the parish church and of every other building in the parish licensed for public worship (not being a private chapel) and remain so affixed for a period of not less than fourteen days before the commencement of the revision. The revision shall be completed not less than fifteen days or more than twenty-eight days before the annual parochial church meeting.

(10) Upon every revision all enrolments or removals from the roll which have been effected since the date of the last revision (or since the formation of the roll, if there has been no previous revision) shall be reviewed, and such further enrolments or removals from the roll as may be required shall be effected.

(11) After the completion of the revision, a copy of the roll as revised shall, together with a list of the names removed from the roll since the last revision (or since the formation of the roll, if there has been no previous revision), be published by being exhibited continuously for not less than fourteen days before the annual parochial church meeting on or near to the principal door of the parish church in such manner as the council shall appoint. No name shall be entered upon or removed from the roll during the period in any year between the completion of the revision and the close of the annual parochial church meeting.



(12) Upon the alteration of the boundaries of any parishes any necessary consequential transfers from the roll of one of such parishes to that of another of them shall be effected by or under the authority of the councils concerned, and no application for enrolment consequential upon any such alteration shall be required.

*Procedural provisions relating to entry and removal of names*

4.—(1) When a person applying for enrolment on the roll of any parish signifies his desire that his name should be removed from the roll of any other parish, notice of that fact shall be sent by the council receiving the application to the council of that other parish.

(2) When the name of any person is removed from the roll of a parish owing to his having become resident in another parish, notice of that fact shall, whenever possible, be sent by the council of the first-mentioned parish to the council of the last-mentioned parish.

(3) When a person wishes to have his name on the rolls of two parishes in accordance with paragraph (3) of rule 3 of these rules, his name must first be on the roll of one of those two parishes. He must then :—

(a) apply to the council of that parish for its consent to his name being entered on the roll of the other parish concerned ; and

(b) if such consent is given, apply for entry on the roll of the other parish concerned.

The council of that other parish shall then decide whether or not to give its consent to his name being on the roll of both parishes and, if it does not give its consent, the application for entry on the roll of that parish shall be refused.

(4) For so long as the name of any person is on the roll of two parishes pursuant to paragraph (3) of rule 3 of these rules, a note to that effect shall be entered upon the roll of each of the parishes concerned. Where consent is given by the council of the parish to an application under sub-paragraph (a) of the preceding paragraph such note may be added immediately on the roll of that parish, but if so added, must be cancelled immediately on notification being given that the council of the other parish concerned has refused its consent to the name of the person in question being on the rolls of both parishes.

(5) The Forms set out in Section 3 of Appendix I to these rules shall be used for the purpose of this rule.

(6) An omission to comply with the requirements of this rule shall not disqualify any person whose name has been entered upon any roll.

**ANNUAL PAROCHIAL CHURCH MEETINGS**

*When to be held*

5.—(1) In every parish there shall be held not later in the year than the week following Easter week, the annual parochial church meeting (in these rules referred to as “the annual meeting”). All persons whose names are entered upon the roll of the parish shall be entitled to attend the annual meeting.

(2) Subject to these rules, clerks in holy orders who are resident in the parish or who, whether resident in the parish or not, are beneficed in or licensed to the parish, shall be entitled to attend the annual meeting and to take part in its proceedings.

(3) A clerk (other than the minister or licensed assistant curate of the parish) who is beneficed in or licensed to any other parish shall not be entitled to attend the annual meeting or to take any part in its proceedings: Provided that where a clerk has a general licence to officiate in a diocese, such general licence shall not of itself disqualify the clerk from attending the annual meeting or subject to these rules taking part in its proceedings.

(4) Save as provided by rule 7 of these rules no clerk in holy orders shall be entitled to nominate or vote at any election of parochial representatives of the laity.

#### *Convening of Annual Parochial Church Meeting*

6.—(1) The annual meeting shall be convened by the minister of the parish by a notice in the form set out in Section 4 of Appendix I to these rules affixed on or near to the principal door of the parish church, and of every other building licensed for divine service in the parish, for a period including the last two Sundays before the day of meeting.

(2) The annual meeting shall be held at such place on such date and at such hour as shall be directed by a previous annual meeting, or by the council (which may vary any direction given by a previous annual meeting), or in the absence of any such direction as shall be appointed by the minister.

(3) During a vacancy of the benefice or curacy or when the minister is absent or incapacitated by illness or any other cause, the vice-chairman of the council, or if there shall be no vice-chairman, or if he shall be unable or unwilling to act, the secretary or some other person appointed by the council shall have all the powers vested in the minister under this rule.

(4) The annual meeting shall be held at a place within the parish unless the council decide otherwise.

#### *Chairman*

7. The minister, if present, or if he is not present, the vice-chairman of the council, or, if he also is not present, a chairman chosen by the annual meeting shall preside thereat. In case of an equal division of votes, the chairman of the meeting shall have a second or casting vote; but no clerical chairman shall have a vote (except a casting vote) in the election of the parochial representatives of the laity.

#### *Business*

8.—(1) The annual meeting shall receive from the council, and shall be free to discuss—

- (a) A copy or copies of the roll;
- (b) An annual report on the proceedings of the council and on the financial affairs of the parish;
- (c) The audited accounts of the council for the year ending on the 31st December immediately preceding the meeting;

- (d) An audited statement of the funds and property, if any, remaining in the hands of the council at the said date ; and
- (e) A report upon the fabric, goods and ornaments of the church or churches of the parish.

(2) The council shall cause a copy of the said audited accounts and the said statement to be affixed at or near the principal door of the parish church at least seven days before the annual meeting.

(3) Such accounts and statement shall be submitted to the annual meeting for approval. If approved, they shall be signed by the chairman of the meeting, who shall then deliver them to the council for publication and the council shall forthwith cause them to be published and affixed on or near the principal door of the parish church and at such other conspicuous place or places in the parish as the council think appropriate.

(4) The annual meeting shall elect parochial representatives of the laity—

- (a) to the diocesan conference, unless the diocesan conference shall otherwise determine ;
- (b) to the ruri-decanal conference (where it exists), in accordance with the constitution of the ruri-decanal conference as settled by the diocesan conference under rule 16 of these rules ; and
- (c) to the council.

The persons so elected shall be persons who are qualified to be representatives of the laity by virtue of rule 2 of these rules, and the elections shall be held subject to and in accordance with the rules hereinafter contained relating thereto.

(5) The functions of the annual meeting with respect to the election of sidesmen are set out in rule 11 hereof.

(6) The annual meeting shall appoint the auditors to the council.

(7) Any person entitled to attend the annual meeting may ask any question about parochial church matters, or bring about a discussion of any matter of parochial or general church interest, by moving a general resolution or by moving to give any particular recommendation to the council in relation to its duties.

(8) The annual meeting shall have power to adjourn, and to determine its own rules of procedure.

(9) The secretary of the council (or another person appointed by the meeting in his place) shall act as a clerk of the annual meeting, and shall record the minutes thereof.

#### SPECIAL PAROCHIAL CHURCH MEETINGS

9.—(1) In addition to the annual meeting, the minister of a parish may convene a special parochial church meeting, and he shall do so on receipt of a written requisition signed by not less than one-third of the lay members of the council.

(2) The provisions of these rules relating to the convening and the conduct of the annual meeting and to the persons entitled to attend that meeting shall, with the necessary modifications, apply to a special parochial church meeting.

**CHURCHWARDENS AND SIDESMEN***Churchwardens*

10.—(1) In every parish to which section twelve of the New Parishes Measure, 1943, applies, churchwardens shall be appointed in accordance with the provisions of that section.

(2) Subject to paragraph (1) of this rule, in every parish in which, until the passing of the Parochial Church Councils (Powers) Measure, 1921, one or more of the churchwardens was elected by the vestry, such churchwarden or churchwardens shall be elected by a joint meeting of the vestry (or of the persons who, if the parish were an ancient parish, would be entitled to vote in vestry) and of the persons whose names are entered on the roll of the parish. Such meeting shall be convened as if it were a vestry meeting and shall be held under the same conditions as to chairmanship voting and demand of a poll as a vestry meeting, except that every person qualified to vote at such meeting shall be entitled to one vote only (other than the chairman's casting vote) on any question voted on at such meeting or at a poll held in connection therewith. The cost of a poll demanded by a candidate shall be borne by him.

(3) Without prejudice to existing qualifications, any person who is eligible for membership of the council shall be eligible as churchwarden.

*Sidesmen*

11.—(1) The sidesmen of the parish shall be elected by the annual meeting and the minister :

Provided that if the annual meeting and the minister are unable to agree, one half of the whole number of sidesmen shall be elected by the annual meeting, and one half shall be appointed by the minister.

(2) The sidesmen of the parish shall have all rights duties and liabilities heretofore belonging to sidesmen by virtue of their office.

(3) No person whose name is not on the roll shall be eligible as a sidesman, but all persons whose names are on the roll shall be eligible.

**PAROCHIAL CHURCH COUNCILS***Members*

12.—(1) The parochial church council shall consist of—

(i) the minister of the parish ;

(ii) the following ex-officio members, namely—

(a) all licensed assistant curates of the parish ;

(b) the churchwardens, being actual communicant members of the Church of England whose names are on the roll of the parish ; and

(c) all persons whose names are on the roll of the parish and who are lay members of any rural deanery conference, or of any diocesan conference, or of the Church Assembly.

(iii) such number of representatives of the laity as the annual meeting may decide, and so that the number determined may be altered from time to time by a resolution passed at

any annual meeting, but such resolution shall not take effect before the next ensuing annual meeting ; and

- (iv) co-opted members, if the council so decides, not exceeding in number one-fifth of the representatives of the laity elected under the last preceding sub-paragraph of this paragraph and being either in Holy Orders or actual lay communicant members of the Church of England of either sex, of twenty-one years of age or upwards. The term of office of a co-opted member shall be until the conclusion of the next annual meeting ; but without prejudice to his being co-opted on subsequent occasions for a similar term, subject to and in accordance with the provisions of these Rules.

(2) Subject as hereinafter provided, any elected representative of the laity whose name is removed from the roll under rule 3 shall forthwith cease to be a member of the council, without prejudice to any right the council may have to make him a co-opted member. Where a person's name is removed from the roll under paragraph (6) (b) of rule 3, he shall not cease to be a member of the council by virtue of that fact unless the council so resolves.

#### *General provisions relating to parochial church councils*

13. The provisions contained in Appendix II to these rules shall have effect with respect to parochial church councils, and with respect to the officers, the meetings and the proceedings thereof :

Provided that a parochial church council may, with the consent of the diocesan conference, vary the said provisions in their application to the council.

#### EXTRAORDINARY MEETINGS

14.—(1) On written representation made to the archdeacon by not less than one-third of the lay members of the council, or by one-tenth of the persons whose names are on the roll of the parish, and deemed by the archdeacon to have been made with sufficient cause, the archdeacon shall convene an extraordinary meeting of the council or an extraordinary parochial church meeting, and shall either take the chair himself or shall appoint a chairman to preside. The chairman, not being otherwise entitled to attend such meeting, shall not be entitled to vote upon any resolution before the meeting.

(2) At any such extraordinary meeting, when seven days' notice has been given of a motion that any representation relating to the conduct of the minister shall be made to the bishop of the diocese, the archdeacon may, in his discretion request the minister not to be present, but to make a communication in writing to the chairman. If such communication be made, it shall be read to the meeting.

(3) In any case where the archdeacon is himself the minister, any representation under paragraph (1) of this rule shall be made to the bishop, and in any such case the reference to the archdeacon in paragraphs 1 and 2 of this rule shall be construed as references to the bishop.

#### PAROCHIAL AND OTHER ELECTIONS

##### *Elections to the Parochial Church Council*

15.—(1) The number of representatives of the laity to be elected in each parish to the council shall be determined in accordance with the provisions of rule 12 of these rules.

(2) Representatives of the laity on the council of a parish shall hold office from the date of their election until the conclusion of the next ensuing annual meeting of the parish :

Provided that the annual meeting may decide that one-third only (or the number nearest to one-third) of the representatives of the laity elected to the council shall retire from office in every year. In any case where it is so decided, the representatives of the laity to retire from office at each annual meeting shall be those who have been longest in office since last elected, and as between representatives of the laity elected on the same day, those to retire shall (unless they otherwise agree among themselves) be selected by lot. A representative of the laity shall in any event retire at the conclusion of the third annual meeting after that at which he was elected.

(3) A retiring representative of the laity in the council shall, if qualified, be eligible for re-election.

(4) In any parish where there are two or more churches or buildings licensed for public worship an annual meeting may frame or adopt a scheme for the election of representatives of the laity to the council in such manner as to secure due representation of the congregation of each such churches or buildings :

Provided that no such scheme shall be valid unless approved by at least two-thirds of the persons present and voting at the annual meeting, nor shall it become operative until the next ensuing annual meeting. Every such scheme shall, on its approval, be communicated to the secretary of the diocesan conference.

#### *Election to and Composition of the Ruri-decanal Conference*

16.—(1) The diocesan conference shall have power—

- (a) to decide in which rural deaneries (if in any) there shall be a ruri-decanal conference ;
- (b) to settle the constitution of a ruri-decanal conference ; and
- (c) to dissolve a ruri-decanal conference.

(2) In settling the constitution of a ruri-decanal conference, the diocesan conference shall inter alia lay down—

- (a) the minimum number of meetings to be held in a year ;
- (b) the term of office of members of the conference ; and
- (c) to whom returns of elections of members to the ruri-decanal conference shall be made.

#### *Elections to Diocesan Conference*

17.—(1) Unless the diocesan conference otherwise determines, the annual meeting of every parish shall elect such number of representatives of the laity to the conference as the conference shall from time to time appoint.

(2) In any diocese in which the diocesan conference determines that the representatives of the laity in that conference shall not be elected, or shall not be exclusively elected, at the annual meeting in every parish of the diocese, they shall be elected, according as the diocesan conference may determine, either—

- (i) by the elected representatives of the laity in each ruri-decanal conference voting in such manner as, subject to the provisions

of the next succeeding rule, the ruri-decanal conference may determine ; or

- (ii) partly at the annual meetings, and partly by the representatives of the laity in the rural-decanal conferences ; or
- (iii) according to a scheme approved by the diocesan conference whereby parishes may be grouped for the purpose of jointly electing representatives of the laity to the conference ; or
- (iv) according to a scheme approved by the diocesan conference combining two or more of the methods of election authorised by this rule.

(3) Representatives of the laity elected to the diocesan conference shall hold office for three years.

(4) No person shall be capable of sitting simultaneously for two separate seats as an elected representative of the laity in any one diocesan conference.

#### *Method of Voting at the above Elections*

18.—(1) At every election to the parochial church council, the ruri-decanal conference, and the diocesan conference, each person entitled to vote shall have as many votes as there are seats to be filled but may not give more than one vote to any one candidate.

(2) Where an equality of votes renders a casting vote necessary to decide the election, it shall be given by the person presiding over the election.

#### *Conduct of Elections by the Annual Meeting*

19.—(1) All candidates at elections of representatives of the laity by the annual meeting of a parish must be nominated and seconded by persons whose names are entered on the roll of the parish. A candidate may be nominated at the meeting or may be nominated before the meeting by notice in writing to the secretary of the council.

(2) If the number of candidates nominated is not greater than the number of seats to be filled, the candidates nominated shall forthwith be declared elected.

(3) If more candidates are nominated than there are seats to be filled, the election shall take place at the annual meeting, unless a poll is demanded by at least one-fifth of the voters present.

(4) If the election takes place at the meeting, votes may be given—

(a) on voting papers, which shall be in a form substantially similar to that set forth in Appendix III to these rules, and must be signed by the voter ; or

(b) if no person present objects thereto, by show of hands.

(5) If a poll is duly demanded, the annual meeting shall forthwith elect a person to preside over it, and the poll shall be conducted in the manner prescribed in Appendix III to these rules. The expenses of the poll shall be defrayed by the council.

(6) The result of an election by an annual meeting shall be announced as soon as practicable by the person presiding over the election, and a notice of the result shall in every case be affixed on or near to the principal door of the parish church and of every other building licensed for public worship in the parish, and shall

bear the date on which the result is declared. Such notice shall remain affixed for not less than fourteen days. Returns of representatives elected to a rural-decanal conference shall be sent to such person or persons as the diocesan conference may provide, and if representatives of the diocesan conference are elected by the annual meeting, returns of such representatives shall be sent to the secretary of the diocesan conference.

#### ELECTIONS TO THE HOUSE OF LAITY

20. The elected members of the House of Laity in the Church Assembly shall be elected every five years by the diocesan electors in the several diocesan conferences according to the principle of proportional representation as hereinafter provided.

#### *Diocesan Electors*

21.—(1) The diocesan electors in each diocese shall be—

- (i) the representatives of the laity for the time being in the diocesan conference; and
- (ii) the lay ex-officio members of the diocesan conference.
- (iii) fifteen or any less number of teachers (not being in Holy Orders) selected by the other lay members of the diocesan conference in such manner as may be prescribed by the conference to represent the members of universities, university or training colleges, and school staffs in the diocese who are members of the Church of England. All the teachers so selected shall be for all other purposes members of the diocesan conference, and in section 5 (iii) of the Diocesan Conferences Regulation, 1935, the reference to rule 20 (3) of the Rules for the Representation of the Laity shall be construed as a reference to this subparagraph.

(2) In section 5 (iii) of the Diocesan Conferences Regulation, 1935, the words "or students" shall cease to have effect.

(3) Members of the Chamber of Laity appointed by the bishop under section 5 (iv) of the Diocesan Conferences Regulation, 1935, shall not be diocesan electors.

#### *Basis of Representation*

22.—(1) The number of members of the House of Laity to be elected for each diocese at a general election shall be based on the number of names on the rolls of the parishes in such diocese as revised in preparation for the annual meetings held in the year immediately preceding the year in which such general election ought to be held.

(2) In the year immediately preceding the year in which any general election to the House of Laity ought to be held—

- (a) the number of names upon the roll of each parish shall be certified to the secretary of the diocesan conference by the council of the parish not later than the 1st day of May; and
- (b) the total number of names upon the rolls of the parishes in each diocese shall be certified to the secretary of the Church Assembly by the secretary of each diocesan conference not later than the 1st day of July.



(3) The certificate required to be given by a council under this rule may be signed by the chairman or vice-chairman or the secretary of the council.

(4) A copy of every certificate given by a council under this rule shall be affixed at or near to the principal door of the parish church when the original certificate is sent to the secretary of the diocesan conference, and shall remain so affixed for a period of not less than fifteen days.

(5) Any question arising as to the accuracy of any certificate given by a council under this rule shall be decided in such manner as the diocesan conference shall determine.

(6) Where a person's name is on the rolls of two parishes pursuant to paragraph (3) of rule 3 of these rules, his name shall be included once in respect of each of those parishes in all certificates given pursuant to paragraph (2) of this rule. Every such certificate shall include a special statement certifying how many of the total number of names included in the certificate relate to persons whose names are on the rolls of two parishes. The secretary of the Church Assembly shall adjust the total number of names certified for any diocese by deducting therefrom one-half of the number of names included in the special statement.

#### *Number of Elected Members of the House of Laity*

23.—(1) The number of elected members of the House of Laity to be elected by each diocese shall be fixed by resolution of the Church Assembly not later than the last day of November in the year immediately preceding the year in which the election ought to be held. Such numbers shall be fixed so as to be as nearly as possible proportionate to the total number of names certified for each diocese under rule 22 adjusted in accordance with the provisions of that rule.

(2) The number of members of the House of Laity to be elected by each diocese, when fixed by the Church Assembly as aforesaid, shall forthwith be communicated to the secretaries of the diocesan conferences.

#### *Electoral Areas*

24.—(1) Subject to any division of a diocese under this rule every diocese shall be an electoral area for the purposes of elections to the House of Laity.

(2) So far as is consistent with any rule made by the archbishop under paragraph (4) of rule 25 a diocesan conference may, for the purposes of any election, divide a diocese into two or more areas, and apportion the number of members of the House of Laity to be elected for the diocese among such areas, and the election shall be conducted in each area as if such area were a separate diocese. Where a diocese is so divided, a diocesan elector who is a representative of the laity shall vote in the area to which the body by which he was elected belongs, and a diocesan elector who is not a representative of the laity shall vote in such area as the diocesan conference may decide. Any such division shall remain in force until it is revoked by the diocesan conference.

*Conduct of Elections*

25.—(1) Subject to any directions given by the Church Assembly, an election to the House of Laity shall be carried out in each diocese during such a period between the first day of September and the fifteenth day of October (both inclusive) as shall be fixed by the bishop of the diocese.

(2) The presiding officer or officers in each diocese shall be appointed by the bishop.

(3) Every candidate must be nominated and seconded by diocesan electors qualified to vote in the area in which the candidate is seeking to be elected. All nominations shall be in writing and shall be sent to the presiding officer of the area, together with evidence of the candidate's consent to serve, on or before a date to be specified by the presiding officer. Such date shall not be earlier than the first day of September.

(4) If more candidates are nominated for any area than there are seats to be filled, the election shall be conducted by voting papers upon the principle of proportional representation by the method of the single transferable vote, under rules to be made from time to time by the archbishop of the province.

(5) A candidate or a person nominated by him has the right to be present at the counting of the votes, and the presiding officer of the area shall give notice to each candidate of the time and place at which the votes are to be counted.

(6) A full statement of the result of each election shall be furnished to every candidate within the area, and published in such manner as the bishop may approve.

(7) No person shall be capable of sitting in the House of Laity as an elected representative of the Laity for more than one diocese.

**CO-OPTED MEMBERS OF THE HOUSE OF LAITY**

26.—(1) The House of Laity shall have power to co-opt persons of either sex (in this rule referred to as "co-opted members") who are actual lay communicant members of the Church of England of twenty-one years of age or upwards to be members of the House of Laity :

Provided that—

(a) the co-opted members shall not at any time exceed ten in number ; and

(b) no person shall be qualified to become a co-opted member unless not less than two thirds of the members of the Standing Committee of the House of Laity shall have first consented to his being co-opted, either at a meeting of the Standing Committee or in writing.

(2) Except in regard to their appointment, the co-opted members shall have the same rights and be subject to the same rules and regulations as elected members :

Provided that no co-opted member shall, by reason only of his membership of the House of Laity, be a member of any parochial church council or of any ruri-decanal or diocesan conference.

(3) Co-opted members shall continue to be members of the House of Laity until the next election of that House, or for such shorter period as the House of Laity may determine.

(4) The House of Laity may make standing orders for regulating the procedure of and incidental to the appointment of co-opted members and otherwise for carrying this rule into effect.

#### APPEALS

27.—(1) Subject to the provisions of paragraph (3) of rule (3) of these rules there shall be a right of appeal by any person aggrieved against—

- (a) any enrolment, or refusal of enrolment, on the roll of a parish ;
- (b) the removal of any name, or the refusal to remove any name, from the roll of a parish ;
- (c) the allowance or disallowance of any vote given or tendered under the foregoing rules ;
- (d) the result of any election held or purporting to be held under the foregoing rules.

(2) In the case of an appeal arising out of an election to the House of Laity, notice of the appeal shall be given in writing to the bishop. In any other case, notice of the appeal shall be given in writing to the rural dean, or, if there be no rural dean, to the archdeacon. Notices under this paragraph shall be given—

- (a) in the case of an appeal against an enrolment or a refusal of an enrolment, or in the case of an appeal against the removal of any name or the refusal to remove any name from the roll, not later than fourteen days after the date of the annual meeting next following such enrolment or refusal of enrolment, or removal or refusal to remove ;
- (b) in the case of an appeal against the allowance or disallowance of a vote, not later than fourteen days after such allowance or disallowance ;
- (c) in the case of an appeal against the result of an election, not later than fourteen days after the result thereof has been announced by the presiding officer.

(3) In each diocese there shall be a lay electoral commission constituted by the diocesan conference. The bishop or the archdeacon or the rural dean, as the case may be, shall, unless the parties agree to a settlement of their dispute, refer any appeal under this rule to the commission. The commission shall appoint two or more of its members to consider and decide any appeal so referred, and the decision of such members shall be final.

(4) For the purpose of such consideration and decision, the members of the commission so appointed shall consider all the relevant circumstances, and shall be entitled to inspect all documents and papers relating to the subject-matter of the appeal, and be furnished with all information respecting the same which they may require. They shall give to the appellant an opportunity of appearing in person before them.

(5) The commission appointed in any diocese under this rule shall have power at any time to extend the time within which a notice of appeal is given.

SUPPLEMENTARY  
*Casual Vacancies*

28.—(1) Elections to fill casual vacancies among representatives of the laity shall be conducted in the same manner as ordinary elections, a special meeting of the electing body being held, if necessary, for the purpose. Such elections shall, where possible, be held at such times as will enable all casual vacancies among representatives of the laity who are diocesan electors to be filled at the time of every election to the House of Laity, but so that no such election shall be invalid by reason of any casual vacancies not having been so filled up.

(2) Elections to fill casual vacancies shall be held as soon as reasonably practicable after the vacancy has occurred, and elections to fill a casual vacancy in the House of Laity shall be completed within six months from the occurrence of the vacancy:

Provided that where a casual vacancy occurs in the House of Laity and a general election to that House is due to begin at a later date in the same year, such casual vacancy shall not be filled unless the bishop so directs.

(3) Any person elected to fill a casual vacancy shall hold office only for the unexpired portion of the term of office of the representative in whose place he is elected.

(4) The resignation of a member of a parochial church council (by reason of its being a corporate body) requires the consent of the council. Members of the House of Laity, the diocesan conference, and the ruri-decanal conference may resign at will.

*Notices*

29. Any notice or other document required or authorised to be sent or given under these rules shall be deemed to have been duly sent or given if sent through the post addressed to the person to whom it is required or authorised to be sent or given at that person's last known address.

*Revocation and Variation of Rules, etc.*

30. Subject to the provisions of these rules any power conferred by these rules to make approve frame or adopt any rule, order, determination, decision, appointment or scheme, or to give any consent or settle any constitution, or to prescribe the manner of doing any thing, shall be construed as including a power, exercisable in like manner and subject to the like conditions, to revoke or vary any such rule, order, determination, decision, appointment, scheme, consent or constitution, or anything so prescribed.

*Special Provisions*

31.—(1) In the carrying out of these rules in any diocese the bishop of such diocese shall have power—

- (a) to make provision for any matter not herein provided for ;
- (b) to appoint a person to do any act in respect of which there has been any neglect or default on the part of any person or body charged with any duty under these rules ;

- (c) so far as may be necessary for the purpose of giving effect to the intentions of these rules, to extend or alter the time for holding any meeting or election or to modify the procedure laid down by these rules in connection therewith ;
  - (d) in any case in which there has been no valid election, to direct a fresh election to be held, and to give such directions in connection therewith as he may think necessary ; and
  - (e) in any case in which any difficulty arises, to give any directions which he may consider expedient for the purpose of removing the difficulty.
- (2) The powers of the bishop under this rule shall not enable him—
- (a) to validate any thing that was invalid at the time when it was done ;
  - (b) to give any direction that is contrary to any resolution of the Church Assembly.
- (3) No proceedings shall be invalidated by the use of a form which differs from that prescribed by these rules if the form which has in fact been used is to a substantially similar effect. Any question as to whether the form which has been used is to a substantially similar effect shall be determined by the bishop.
- (4) In the case of an omission in any parish to prepare or maintain a roll or to form or maintain a council or to hold the annual meeting, the rural dean upon such omission being brought to his notice shall ascertain and report to the bishop the cause thereof.
- (5) During a vacancy in a diocesan see the powers by these rules conferred upon a bishop of the diocese shall be exercisable by the guardian of the spiritualities.

APPENDIX I

SECTION 1

Rule 3 (2) (c).

APPLICATION FOR ENROLMENT ON CHURCH ELECTORAL ROLL

(Full Christian name and surname)

I .....

(Full postal address)

of .....  
 declare that I have attained the age of seventeen years and reside in the parish of ..... and am a member of the Church of England and do not belong to any religious body which is not in communion with the Church of England.

I hereby apply to be entered on the Church Electoral Roll of the parish of ..... in the diocese of ..... (in which parish I am resident) or (in which parish for the period of six months last past I have habitually attended public worship).\*

I declare that my name is not on the church electoral roll of any other parish.

OR

I declare that my name is not on the church electoral roll of any other parish except that of the parish of ..... from which roll I desire my name to be removed.

OR

I declare that my name is not on the church electoral roll of any other parish except that of the parish of .....  
The parochial church council of that parish has given its consent to my name being on the rolls of both parishes, for so long as I retain the necessary qualifications.†

Signed .....

Date .....

\* Strike out whichever of these is not applicable.

† The applicant should choose whichever of the three alternatives is applicable to his case, and he must strike out the other two. The third alternative should only be used where the applicant is already on the roll of another parish, and the parochial church council of that parish has given its consent to his being on the rolls of both parishes.

Rule 3 (9).

SECTION 2

FORM OF NOTICE OF REVISION OF CHURCH ELECTORAL ROLL

Diocese of .....

Parish of .....

\* NOTE.—  
The Revision must be completed not less than 15 days or more than 28 days before the Annual Parochial Church Meeting.

Notice is hereby given that the Church Electoral Roll of the above parish will be revised by the Parochial Church Council,\* beginning on ....., the ..... day of ..... 19..... and ending on ....., the ..... day of ..... 19.....

After such Revision, a copy of the Roll will forthwith be exhibited on, or near to, the principal door of the Parish Church for inspection.

Under the Rules for the Representation of the Laity the persons entitled to have their names entered upon the Roll are lay members of the Church of England of either sex of seventeen years of age and upwards, who—

- (a) are baptised and declare that they are members of the Church of England and that they do not belong to any religious body which is not in communion with the Church of England; and
- (b) are resident in the parish, or if not so resident have habitually attended public worship in the parish during a period of six months prior to enrolment; and
- (c) have signed the form of application for enrolment set out in Appendix I to the Rules for the Representation of the Laity.

Entry on the Rolls of two parishes at the same time is subject to special conditions. No person's name may be on the Rolls of more than two parishes at once.

Forms of application for enrolment can be obtained from the undersigned, and should be returned, if possible, in time for the Revision.

Any error discovered in the Roll should at once be reported to the undersigned.

† Not less than 14 days' notice must be given.

Dated this † ..... day of ..... 19.....

.....  
Secretary of the Council.  
Address .....

SECTION 3

Rule 4 (5).

Form 1

NOTICE TO CANCEL ENTRY IN ANOTHER PARISH

To the Secretary of the .....  
Parochial Church Council.

Please note that .....  
Of .....  
who has applied for enrolment on the Church Electoral Roll of this parish, has signified his (or her) desire that his (or her) name should be removed from the Church Electoral Roll of your parish, and that his (or her) name should be removed accordingly.

Signed .....

Secretary of the .....

Parochial Church Council.

Date .....

Form 2

Rule 4 (5).

NOTICE OF REMOVAL TO ANOTHER PARISH

To the Secretary of the .....  
Parochial Church Council.

Please note that .....  
whose entry on the Church Electoral Roll of this parish has been cancelled, owing to his having become resident in another parish, is believed to be now resident at ..... and may desire to be entered on the Church Electoral Roll of your parish.

Signed .....

Secretary of the .....

Parochial Church Council.

Date .....

SECTION 4

Rule 6 (1).

NOTICE OF ANNUAL PAROCHIAL CHURCH MEETING

Parish of .....

The Annual Parochial Church Meeting will be held in .....  
on ..... day the ..... day of .....  
at .....

For the election of parochial representatives of the laity as follows :—

\*To the Diocesan Conference ..... representatives,

\*To the Ruri-decanal Conference ..... representatives,

To the Parochial Church Council ..... representatives.

For the election of sidesmen.

\* Strike out if inapplicable.

For the consideration of—

- (a) A copy or copies of the Roll ;
- (b) An Annual Report on the proceedings of the Council and on the financial affairs of the parish ;
- (c) The audited Accounts of the Council for the year ending on the 31st of December immediately preceding the meeting ;
- (d) An audited Statement of the funds and property of the Council ;
- (e) A Report upon the fabric, goods and ornaments of the church or churches of the parish ;

and other matters of parochial or general Church interest.

All persons of either sex whose names are entered upon the Church Electoral Roll of the parish (and such persons only) are entitled to vote at the election of parochial representatives of the laity.

Parochial representatives of the laity must be actual lay communicant members of the Church of England of either sex of twenty-one years of age and upwards, but, except in the case of Parochial Church Councils, need not be themselves on the Church Electoral Roll of the parish.

By Rule 8 it is provided that the Annual Meeting shall have power to adjourn and to determine its own rules of procedure.

Signed .....

*\*Minister of the Parish*

## APPENDIX II

### Rule 13.

Officers of  
the council.

#### GENERAL PROVISIONS RELATING TO PAROCHIAL CHURCH COUNCILS

- 1.—(a) The minister of the parish shall be chairman of the council.
- (b) A lay member of the council shall be elected as vice-chairman of the council.
- (c) During the vacancy of the benefice and when the chairman is incapacitated by absence or illness or any other cause the vice-chairman of the council shall act as chairman and have all the powers vested in the chairman.
- (d) The council may appoint one of their number to act as secretary of the council. If no member is appointed so to act the council shall appoint some other fit person with such remuneration (if any) as they shall think fit. The secretary shall have charge of the electoral roll and of all documents relating to the current business of the council. He shall be responsible for keeping the minutes, shall record all resolutions passed by the council and shall keep the secretary of the diocesan conference informed as to his name and address.
- (e) The council may appoint one or more of their number to act as treasurer solely or jointly. Failing such appointment, the office of treasurer shall be discharged jointly by such of the churchwardens

---

\* Or " Vice-Chairman of the Parochial Church Council," or as the case may be. (See Rule 6 (3) of the Rules for the Representation of the Laity.)



as are members of the council, or, if there is only one such churchwarden by that churchwarden solely. No remuneration shall be paid to any person in respect of his appointment as treasurer.

(f) If auditors to the council are not appointed by the annual meeting, or if the auditors appointed by the annual meeting are unable or unwilling to act, auditors shall be appointed by the council. The remuneration (if any) of the auditors shall be paid by the council.

2. The council shall hold not less than four meetings in each year. Meetings shall be convened by the chairman and if not more than four meetings are held they shall be at quarterly intervals so far as possible. Meetings of council.

3. The chairman may at any time convene a meeting of the council. If he refuse or neglect to do so within seven days after a requisition for that purpose signed by not less than one-third of the members of the council has been presented to him those members may forthwith convene a meeting. Power to call meetings.

4.—(a) Except as provided in paragraph 8 of this Appendix at least ten clear days before any meeting of the council notice thereof specifying the time and place of the intended meeting and signed by or on behalf of the chairman of the council or the persons convening the meeting shall be posted at or near the principal door of the parish church. Notices relating to meetings.

(b) Not less than seven days before the meeting a notice thereof specifying the time and place of the meeting signed by or on behalf of the secretary shall be sent to every member of the council. Such notice shall contain the agenda of the meeting including any motion by any member of the council of which notice has been received by the secretary.

5. Subject to the provisions of rule 14 of the Rules for the Representation of the Laity, the chair at a meeting of the council shall be taken— Chairman at meetings.

(a) by the chairman of the council if he is present ;

(b) if the chairman of the council is not present, or his office is vacant, by the vice-chairman of the council if he is present :

Provided that at any such meeting the chairman or the vice-chairman of the council may, if he thinks it expedient to do so, vacate the chair either generally or for the purposes of any particular business.

Should neither the Chairman nor the Vice-Chairman be available to take the chair for any meeting or for any particular item on the agenda during a meeting then a Chairman shall be chosen by those members present from among their number and the person so chosen shall preside for that meeting or for that particular item.

6. No business shall be transacted at any meeting of the council unless at least one-third of the members are present thereat and no business which is not specified in the agenda shall be transacted at any meeting except by the consent of three-quarters of the members present at the meeting. Quorum and agenda.

Order of  
business.

7. The business of a meeting of the council shall be transacted in the order set forth in the agenda unless the council by resolution otherwise determine.

Short notice  
for emergency  
meetings.

8. In case of sudden emergency or other special circumstances requiring immediate action by the council a meeting may be convened by the chairman of the council at not less than three days' notice in writing to the members of the council but the quorum for the transaction of any business at such meetings shall be a majority of the then existing members of the council and no business shall be transacted at such meeting except as is specified in the notice convening the meeting.

Place of  
meetings.

9. The meetings of the council shall be held at such place as the council may direct or in the absence of such direction as the chairman may direct.

Vote of  
majority to  
decide.

10. Subject to the foregoing provisions, any motion proposed by a member of the council present at a meeting and seconded by such a member shall be submitted to the meeting and shall be decided by a majority of votes of the members present and voting thereon.

Casting vote

11. In the case of an equal division of votes the chairman of the meeting shall have a second or casting vote.

Minutes.

12.—(a) The names of the members present at any meeting of the council shall be recorded in the minutes.

(b) If one-fifth of the members present and voting on any resolution so require, the minutes shall record the names of the members voting for and against that resolution.

(c) Any member of the council shall be entitled to require that the minutes shall contain a record of the manner in which his vote was cast on any resolution.

(d) Members of the council shall have access to the minutes of all meetings, but no other person other than the bishop or a person authorised by him in writing, or the archdeacon, shall have access to the minutes without the authority of the council.

Adjournments.

13. Any meeting of the council may adjourn its proceedings to such time and place as may be determined at such meeting.

Standing  
committee.

14.—(a) The council shall have a standing committee consisting of not less than three persons. The minister and such of the churchwardens as are members of the council shall be ex-officio members of the standing committee, and the council may by resolution appoint other members of the standing committee from among its own members and remove any person so appointed.

(b) The standing committee shall have power to transact the business of the council between the meetings thereof subject to any directions given by the council.

Other  
committees.

15. The council may appoint other committees for the purpose of the various branches of church work in the parish and may include therein persons who are not members of the council. The minister shall be a member of all committees ex-officio.

Validity  
of proceedings.

16. No proceedings of the council shall be invalidated by any vacancy of the membership of the council or by any defect in the qualification or election of any member thereof.

17. Any question arising on the interpretation of this Appendix shall be referred to the bishop of the diocese and any decision given by him or by any person appointed by him on his behalf shall be final. Interpretation.

APPENDIX III

CONDUCT OF POLL AT ELECTIONS BY THE ANNUAL MEETING Rule 19.

1. The chairman of the annual meeting shall fix a day (not being less than seven nor more than fourteen days from the day when the poll was demanded) and hours, and a place or places, for the taking of the poll ; and shall cause a notice of the poll and of the day and hours and place or places thereof, signed by himself, to be forthwith affixed on or near to the principal door of the church and of every other building licensed for divine service in the parish, and the same shall remain so affixed until after the day of the poll. The hours of the poll must not be less than four, which need not be consecutive ; but not less than two hours thereof must be before and not less than two hours thereof must be after six of the clock in the afternoon.

2. Votes may be tendered by the voter in person by a voting paper in the form set forth below, or in a substantially similar form, or by voting papers addressed to the person presiding over the election in the parish, and sent by post or otherwise delivered at the place in the parish fixed for the taking of the poll, and received by him at any time between the holding of the meeting and the hour appointed for the close of the poll. Voting papers must contain the names and addresses of voters and be signed by them.

3. After the close of the poll the votes shall be scrutinised and counted in one place by the presiding officer in the presence of such of the candidates for election, or persons deputed to attend on their behalf, as desire to be present.

4. Any voter shall be entitled to ascertain, by inquiry of the presiding officer, within seven days of the declaration of the result, whether his vote has been allowed or not, and a notice that voters are so entitled shall be appended to all notices announcing the result of the election.

FORM OF PAROCHIAL VOTING PAPER IN CASE OF A POLL

(A similar form of Voting Paper shall be used at the Annual Meeting in cases where voting papers are required.)

(Full Christian name and surname)

.....  
(Address)

of .....  
hereby give to the candidates upon the list overleaf [or upon the accompanying numbered voting paper] the votes which I have placed opposite to their names.

Signed .....

Date .....

NOTE.—Each voter has as many votes as there are seats to be filled, but may not give more than one vote to any one candidate.

Table of Enactments referred to in this Measure

| Short Title                                               | Session and Chapter         |
|-----------------------------------------------------------|-----------------------------|
| Interpretation Act, 1889 ... ..                           | 52 & 53 Vict. c. 63.        |
| Church of England Assembly (Powers) Act,<br>1919 ... ..   | 9 & 10 Geo. 5. c. 76.       |
| Parochial Church Council (Powers) Measure,<br>1921 ... .. | 11 & 12 Geo. 5. No. 1.      |
| Representation of the Laity Measure, 1929 ...             | 19 & 20 Geo. 5. No. 2.      |
| House of Laity (Co-opted Members) Measure,<br>1937 ... .. | 1 Edw. 8 & 1 Geo. 6. No. 2. |
| New Parishes Measure, 1943 ... ..                         | 6 & 7 Geo. 6. No. 1.        |

~~~~~

No. 3

A MEASURE passed by the National Assembly of the Church of England

To consolidate with amendments certain enactments
relating to parochial church councils and parochial
charities. [5th July, 1956]

Definitions.

1. In this Measure—

“ Council ” means a parochial church council ;

“ Diocesan Authority ” means the Diocesan Board of Finance or any existing or future body appointed by the Diocesan Conference to act as trustees of diocesan trust property ;

“ Minister ” and “ Parish ” have the meanings respectively assigned to them in the Rules for the Representation of the Laity ;

“ Relevant date ” means the first day of July, 1921.

General functions of council.

2. It shall be the primary duty of the council in every parish to co-operate with the minister in the initiation conduct and development of church work both within the parish and outside.

Council to be a body corporate.

3. Every council shall be a body corporate by the name of the parochial church council of the parish for which it is appointed and shall have perpetual succession. Any act of the council may be signified by an instrument executed pursuant to a resolution of the council and under the hands or if an instrument under seal is required under the hands and seals of the chairman presiding and two other members of the council present at the meeting at which such resolution is passed.

4.—(1) Subject to the provisions of any Act or Measure passed after the relevant date and to anything lawfully done under such provisions, the council of every parish shall have—

Powers vested in council as successor to certain other bodies.

(i) The like powers duties and liabilities as, immediately before the relevant date, the vestry of such parish had with respect to the affairs of the church except as regards the election of churchwardens and sidesmen and as regards the administration of ecclesiastical charities but including the power of presentation to the benefice of such parish if the right to present thereto was vested in or in trust for the parishioners and the power of making any voluntary church rate.

(ii) The like powers duties and liabilities as, immediately before the relevant date, the churchwardens of such parish had with respect to—

(a) The financial affairs of the church including the collection and administration of all moneys raised for church purposes and the keeping of accounts in relation to such affairs and moneys ;

(b) The care maintenance preservation and insurance of the fabric of the church and the goods and ornaments thereof ;

(c) The care and maintenance of any churchyard (open or closed), and the power of giving a certificate under the provisions of section eighteen of the Burial Act, 1855, with the like powers as, immediately before the relevant date, were possessed by the churchwardens to recover the cost of maintaining a closed churchyard :

Provided that nothing herein contained shall affect the property of the churchwardens in the goods and ornaments of the church or their powers duties and liabilities with respect to visitations.

(iii) The like powers duties and liabilities as, immediately before the relevant date, were possessed by the church trustees (if any) for the parish appointed under the Compulsory Church Rate Abolition Act, 1868.

(2) All enactments in any Act whether general or local or personal relating to any powers duties or liabilities transferred to the council from the vestry churchwardens or church trustees as the case may be shall subject to the provisions of this Measure and so far as circumstances admit be construed as if any reference therein to the vestry or the churchwardens or church trustees referred to the council to which such powers duties or liabilities have been transferred and the said enactments shall be construed with such modifications as may be necessary for carrying this Measure into effect.

(3) Where any property is applicable to purposes connected with any such powers duties or liabilities as aforesaid, any deed or instrument which could be or could have been made or executed in relation to such property by a vestry, or by churchwardens or church trustees, may be made or executed by the council of the parish concerned.

(4) This Measure shall not affect any enactment in any private or local Act of Parliament under the authority of which church rates may be made or levied in lieu of or in consideration of the extinguishment or of the appropriation to any other purpose of any tithes customary payments or other property or charge upon property which tithes payments property or charge previously to the passing of such Act had been appropriated by law to ecclesiastical purposes or in consideration of the abolition of tithes in any place or upon any contract made or for good or valuable consideration given and every such enactment shall continue in force in the same manner as if this Measure had not been passed.

For the purposes of this subsection "ecclesiastical purposes" shall mean the building rebuilding enlargement and repair of any church and any purpose to which by common or ecclesiastical law a church rate is applicable or any of such purposes.

Holding of property for ecclesiastical purposes: educational schemes.

5.—(1) Subject to the provisions of this Measure, the council of every parish shall have power to acquire (whether by way of gift or otherwise) any property real or personal—

(a) For any ecclesiastical purpose affecting the parish or any part thereof;

(b) For any purpose in connection with schemes (hereinafter called "educational schemes") for providing facilities for the spiritual moral and physical training of persons residing in or near the parish.

(2) Subject to the provisions of this Measure and of the general law and to the provisions of any trusts affecting any such property, the council shall have power to manage, administer and dispose of any property acquired under this section.

(3) A council shall have power, in connection with any educational scheme, to constitute or participate in the constitution of a body of managers or trustees or a managing committee consisting either wholly or partly of persons appointed by the council, and may confer on any such body or committee such functions in regard to the implementation of the scheme, and such functions relating to property held for the purposes of the scheme, as the council thinks expedient.

(4) The powers of a council with respect to educational schemes shall be exercised subject to and in accordance with the terms of any undertaking which may have been given by the

council to the Minister of Education or to any local authority in connection with any financial or other assistance given by the Minister or the authority in relation to the scheme.

(5) A council shall not exercise any of its powers in relation to educational schemes without the consent of the diocesan education committee of the diocese, and any such consent may be given upon such terms and conditions as the committee considers appropriate in all the circumstances of the case.

In this subsection the expression "diocesan education committee" includes any body of persons whether incorporated or not for the time being having the functions of such a committee by virtue of the Diocesan Education Committees Measure, 1955, and any orders made thereunder.

6.—(1) After the commencement of this Measure, a council shall not acquire any interest in land (other than a short lease as hereinafter defined) or in any personal property to be held on permanent trusts, without the consent of the diocesan authority. Supplementary provisions relating to certain property.

(2) Where, at or after the commencement of this Measure, a council holds or acquires an interest in land (other than a short lease as hereinafter defined) or any interest in personal property to be held on permanent trusts, such interest shall be vested in the diocesan authority subject to all trusts, debts and liabilities affecting the same, and all persons concerned shall make or concur in making such transfers (if any) as are requisite for giving effect to the provisions of this subsection.

(3) Where any property is vested in the diocesan authority pursuant to subsection (2) of this section, the council shall not sell, lease, let, exchange, charge or take any legal proceedings with respect to the property without the consent of the authority; but save as aforesaid, nothing in this section shall affect the powers of the council in relation to the management, administration or disposition of any such property.

(4) Where any property is vested in the diocesan authority pursuant to subsection (2) of this section, the council shall keep the authority indemnified in respect of:

- (a) all liabilities subject to which the property is vested in the authority or which may thereafter be incident to the property;
- (b) all rates, taxes, insurance premiums and other outgoings of whatever nature which may from time to time be payable in respect of the property;
- (c) all costs, charges and expenses incurred by the authority in relation to the acquisition or insurance of the property or as trustee thereof;
- (d) all costs, proceedings, claims and demands in respect of any of the matters hereinbefore mentioned.

(5) The consents required by subsection (3) of this section are additional to any other consents required by law, either from the Charity Commissioners or the Minister of Education or otherwise.

(6) In this section the expression "short lease" means a lease for a term not exceeding one year, and includes any tenancy from week to week, from month to month, from quarter to quarter, or from year to year.

(7) Any question as to whether personal property is to be held on permanent trusts shall be determined for the purposes of this section by a person appointed by the bishop.

Miscellaneous
powers of
council.

7. The council of every parish shall have the following powers in addition to any powers conferred by the Constitution or otherwise by this Measure:—

- (i) Power to frame an annual budget of moneys required for the maintenance of the work of the Church in the parish and otherwise and to take such steps as they think necessary for the raising collecting and allocating of such moneys;
- (ii) Power to make levy and collect a voluntary church rate for any purpose connected with the affairs of the church including the administrative expenses of the council and the costs of any legal proceedings;
- (iii) Power jointly with the minister to appoint and dismiss the parish clerk and sexton or any persons performing or assisting to perform the duties of parish clerk or sexton and to determine their salaries and the conditions of the tenure of their offices or of their employment but subject to the rights of any persons holding the said offices at the appointed day;
- (iv) Power jointly with the minister to determine the objects to which all moneys to be given or collected in church shall be allocated subject to the directions contained in the Book of Common Prayer as to the disposal of money given at the offertory;
- (v) Power to make representations to the bishop with regard to any matter affecting the welfare of the church in the parish.

Accounts of
the council.

8.—(1) Every council shall furnish to the annual parochial church meeting the audited accounts of the council for the year ending on the 31st December immediately preceding the meeting and an audited statement of the funds and property, if any, remaining in the hands of the council at that date.

(2) At least seven days before the annual parochial church meeting, the council shall cause a copy of the said audited

accounts and a copy of the said statement to be affixed at or near the principal door of the parish church as required by paragraph (2) of Rule 8 of the Rules for the Representation of the Laity.

(3) The accounts and statement shall be submitted to the meeting for approval, and, if approved, they shall be signed by the chairman of the meeting who shall then deliver them to the council for publication, and the council shall forthwith cause them to be published in the manner provided by paragraph (3) of Rule 8 of the Rules for the Representation of the Laity.

(4) The accounts of all trusts administered by the council shall be laid before the diocesan authority annually.

9.—(1) The bishop may subject to the provisions of this Powers of Measure and the Constitution make rules for carrying this bishop. Measure into effect within the diocese.

(2) If any act required by this Measure to be done by any person is not done within such time as the bishop may consider reasonable it may be done by or under the authority of the bishop.

(3) In the event of a council and a minister being unable to agree as to any matter in which their agreement or joint action is required under the provisions of this Measure, such matter shall be dealt with or determined in such manner as the bishop may direct.

(4) During a vacancy in a diocesan see the powers conferred upon the bishop by this section may be exercised by the guardian of the spiritualities.

10.—(1) This Measure may be cited as the Parochial Church Councils (Powers) Measure, 1956. Short title, commencement, extent and repeals.

(2) This Measure shall come into operation on the second day of January, 1957.

(3) This Measure shall extend to the whole of the Provinces of Canterbury and York except the Channel Islands and the Isle of Man:

Provided that, if an Act of Tynwald so provides, this Measure shall extend to the Isle of Man subject to such modifications, if any, as may be specified in such Act of Tynwald.

(4) The Parochial Church Councils (Powers) Measure, 1921, and the Parochial Church Councils (Powers) (Amendment) Measure, 1949, are hereby repealed.

Table of Enactments Referred to in this Measure

Short Title	Session and Chapter
Burial Act, 1855	18 & 19 Vict. c. 128.
Compulsory Church Rate Abolition Act, 1868...	31 & 32 Vict. c. 109.
Parochial Church Councils (Powers) Measure, 1921	11 & 12 Geo. 5. No. 1.
Parochial Church Councils (Powers) (Amendment) Measure, 1949	12 & 13 Geo. 6. No. 2.
Diocesan Education Committees Measure, 1955...	4 & 5 Eliz. 2. No. 1.
Representation of the Laity Measure, 1956 ...	4 & 5 Eliz. 2. No. 2.



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 1956

[NOTE.—Statute references in the fourth column are to chapters of 4 & 5 Eliz. 2 unless otherwise stated.]

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1956 Act or number of Measure or Statutory Instrument
34 Edw. 3: c. 1	Justices of the Peace Act, 1361.	Ext. (appeal to quarter sessions).	44, s. 1 (1).
32 Hen. 8: c. 40	Physicians Act, 1540 ...	Rep.	76, s. 57 (1), sch. 5.
55 Geo. 3: c. 194	Apothecaries Act, 1815...	Excl.	76, s. 12 (2).
1 & 2 Geo. 4: c. 88	Rescue Act, 1821 ...	Rep. (S.)... ..	26, s. 38 (1), sch. 3.
3 Geo. 4: c. 39	Warrants of Attorney Act, 1822.	Rep.	46, ss. 16, 57 (2), sch. 2.
7 Geo. 4: c. 64	Criminal Law Act, 1826	Ss. 12, 13 expld. ...	34, s. 2 (6).
10 Geo. 4: c. 50	Crown Lands Act, 1829	Am. (Commissioners of Crown Lands reconstituted as Crown Estate Commissioners). S. 125 rep. so far as relating to Commissioners of Crown Lands.	73, s. 1 (1). 73, s. 3 (2), sch. Pt. II.
11 Geo. 4. & 1 Will. 4: c. 37	Criminal Law (Scotland) Act, 1830.	S. 15 rep.	26, s. 38 (1), sch. 3.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1956 Act or number of Measure or Statutory Instrument
2 & 3 Will. 4: c. 1	Crown Lands Act, 1832	Commissioners of Crown Lands reconstituted as Crown Estate Commissioners.	73, s. 1 (1).
c. 112... ..	Crown Lands (Scotland) Act, 1832.	Commissioners of Crown Lands reconstituted as Crown Estate Commissioners.	73, s. 1 (1).
3 & 4 Will. 4: c. 41	Judicial Committee Act, 1833.	Appl.	} 29, s. 10 (1). 76, s. 36 (3). 73, s. 1 (1).
c. 69	Crown Lands (Scotland) Act, 1833.	Commissioners of Crown Lands reconstituted as Crown Estate Commissioners.	
4 & 5 Will. 4: c. 24	Superannuation Act, 1834	Mod. (former Governors of dominions). Appl. (traffic commissioners). Appl. (officers, etc., of Restrictive Practices Court).	64, s. 10. 67, s. 51, sch. 8 para. 39. 68, s. 2 (5).
1 & 2 Vict.: c. 110... ..	Judgments Act, 1838 ...	S. 11 rep.	46, s. 57 (2), sch. 2.
6 & 7 Vict.: c. 36	Scientific Societies Act, 1843.	Rep. (saving) (S.) ...	60, s. 23 (2).
c. 66	Warrants of Attorney Act, 1843.	Rep.	46, ss. 16, 57 (2), sch. 2.
8 & 9 Vict.: c. 20	Railways Clauses Consolidation Act, 1845.	S. 114 rep. (E.) (<i>prosp.</i>)...	52, s. 35 (1) (2), sch. 4.
c. 33	Railways Clauses Consolidation (Scotland) Act, 1845.	S. 107 rep. (<i>prosp.</i>) ...	52, s. 35 (1) (2), sch. 4.
c. 99	Crown Lands Act, 1845	Commissioners of Crown Lands reconstituted as Crown Estate Commissioners.	73, s. 1 (1).
c. 127... ..	Small Debts Act, 1845...	S. 8 am.	46, s. 37 (1) (2).
10 & 11 Vict.: c. 34	Towns Improvement Clauses Act, 1847.	S. 108 rep. (E.) (<i>prosp.</i>)...	52, s. 35 (1) (2), sch. 4.
c. 100... ..	Irish Constabulary Act, 1847.	Pensions increase ...	39, ss. 1, 13 (4), schs. 1, 2.
11 & 12 Vict.: c. 102... ..	Crown Lands Act, 1848	Commissioners of Crown Lands reconstituted as Crown Estate Commissioners. S. 8 rep. so far as relating to Commissioners of Crown Lands.	73, s. 1 (1). 73, s. 3 (2), sch. Pt. II.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1956 Act or number of Measure or Statutory Instrument
12 & 13 Vict.: c. 96	Admiralty Offences (Colonial) Act, 1849.	Appl. (mod.) (Trucial States).	S.I. No. 90, art. 12, sch. 2.
14 & 15 Vict.: c. 42	Crown Lands Act, 1851	Commissioners of Crown Lands reconstituted as Crown Estate Commissioners. S. 1 rep. in pt. so far as relating to Commissioners of Crown Lands. S. 32 am.	73, s. 1 (1). 73, s. 3 (2), sch. Pt. II. 73, s. 2 (1) (2).
15 & 16 Vict.: c. 62	Crown Lands Act, 1852	Commissioners of Crown Lands reconstituted as Crown Estate Commissioners.	73, s. 1 (1).
16 & 17 Vict.: c. 56	Crown Lands Act, 1853	Commissioners of Crown Lands reconstituted as Crown Estate Commissioners.	73, s. 1 (1).
c. 119	Betting Act, 1853 ...	Excl. (E.) (S.)	45, s. 4 (3).
17 & 18 Vict.: c. 91	Lands Valuation (Scotland) Act, 1854.	Appl. in pt. (mod.) ... Appl. S. 3 rep. (16.5.57) ... S. 4 rep. (16.5.61) ... S. 5 mod. (16.5.61) ... S. 6 rep. in pt. (16.5.57) rep. (16.5.61) ... S. 7 rep. in pt. (16.5.57) S. 8 rep. in pt. (16.5.57) rep. (16.5.61) ... Ss. 9 rep. in pt., 14-16 rep. (16.5.57).	60, s. 5 (2). 60, ss. 9 (1), 10 (1), 11 (2), 15 (1) (2), 22 (3). 60, s. 44, sch. 7 Pt. III. 60, s. 44, sch. 7 Pt. IV. 60, s. 9 (4). 60, s. 44, sch. 7 Pt. III. 60, s. 44, sch. 7 Pt. IV. 60, s. 44, sch. 7 Pt. III. 60, s. 44, sch. 7 Pt. III. 60, s. 44, sch. 7 Pt. IV. 60, s. 44, sch. 7 Pt. III.
18 & 19 Vict.: c. 15	Judgments Act, 1855 ...	S. 11 rep.	46, s. 57 (2), sch. 2.
c. 128	Burial Act, 1855 ...	S. 18. Transfer of powers, etc., of churchwardens to parochial church councils.	C.A.M. No. 3, s. 4 (1) (ii) (c).
19 & 20 Vict.: c. 113	Foreign Tribunals Evidence Act, 1856.	Appl. (mod.) (Trucial States).	S.I. No. 90, art. 12, sch. 2. 2 L 2

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1956 Act or number of Measure or Statutory Instrument
20 & 21 Vict.:			
c. 58	Lands Valuation (Scotland) Act, 1857.	Ss. 1, 2 rep. (16.5.57) ...	60, s. 44, sch. 7 Pt. III.
c. 72	Police (Scotland) Act, 1857.	Rep.	26, s. 38 (1) (5), sch. 3.
c. 73	Smoke Nuisance (Scotland) Act, 1857.	Rep. (<i>prosp.</i>)	52, s. 35 (1), sch. 4.
21 & 22 Vict.:			
c. 65	Police (Scotland) Act, 1858.	Rep.	26, s. 38 (1), sch. 3.
c. 90	Medical Act, 1858 ...	Ss. 2-46, 55, schs. (A) and (D) rep.	76, s. 57 (1), sch. 5.
22 Vict.:			
c. 20	Evidence by Commission Act, 1859.	Appl. (mod.) (Trucial States).	S.I. No. 90, art. 12, sch. 2.
c. 21	Medical Act, 1859 ...	Rep.	76, s. 57 (1), sch. 5.
c. 26	Superannuation Act, 1859.	Pensions increase ... Mod. (former Governors of dominions). Appl. (traffic commissioners). Appl. (officers, etc., of Restrictive Practices Court).	39, ss. 1, 13 (3) (4), schs. 1, 2. 64, s. 10. 67, s. 51, sch. 8 para. 39. 68, s. 2 (5).
22 & 23 Vict.:			
c. 63	British Law Ascertainment Act, 1859.	Appl. (mod.) (Trucial States).	S.I. No. 90, art. 12, sch. 2.
23 Vict.:			
c. 7	Medical Acts Amendment Act, 1860.	Rep.	76, s. 57 (1), sch. 5.
23 & 24 Vict.:			
c. 27	Refreshment Houses Act, 1860.	S. 32 saved	45, s. 4 (6) (c).
c. 122... ..	Admiralty Offences (Colonial) Act, 1860.	Appl. (mod.) (Trucial States).	S.I. No. 90, art. 12, sch. 2.
24 & 25 Vict.:			
c. 11	Foreign Law Ascertainment Act, 1861.	Appl. (mod.) (Trucial States).	S.I. No. 90, art. 12, sch. 2.
c. 70	Locomotive Act, 1861 ...	Ss. 6, 7 rep. (<i>prosp.</i>) ...	67, s. 55 (3), sch. 9.
c. 100... ..	Offences against the Person Act, 1861.	Ss. 48, 52-55, 61-63 rep. (E.), 64-68, 71 rep. in pt. (E.).	69, s. 51, sch. 4.
25 & 26 Vict.:			
c. 68	Fine Arts Copyright Act, 1862.	Rep. (<i>prosp.</i>)	74, s. 50 (2), sch. 9.
c. 91	Medical Council Act, 1862.	Rep.	76, s. 57 (1), sch. 5.
26 & 27 Vict.:			
c. 41	Innkeepers' Liability Act, 1863.	Rep. (E.) (S.)	62, s. 3 (2).

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1956 Act or number of Measure or Statutory Instrument
27 & 28 Vict.: c. 112... ..	Judgments Act, 1864 ...	Rep.	46, s. 57 (2), sch. 2.
28 & 29 Vict.: c. 102... ..	Smoke Nuisance (Scotland) Act, 1865.	Rep. (<i>prosp.</i>)	52, s. 35 (1), sch. 4.
29 & 30 Vict.: c. 39	Exchequer and Audit Departments Act, 1866.	S. 10 saved	48, s. 11 (2).
c. 62	Crown Lands Act, 1866	Commissioners of Crown Lands reconstituted as Crown Estate Commissioners.	73, s. 1 (1).
c. 103... ..	Constabulary (Ireland) Act, 1866.	Pensions increase ...	39, ss. 1, 13 (4), schs. 1, 2.
30 & 31 Vict.: c. 80	Valuation of Lands (Scotland) Amendment Act, 1867.	S. 7 rep. (16.5.61) ...	60, s. 44, sch. 7 Pt. IV.
c. 114... ..	Court of Admiralty (Ireland) Act, 1867.	Ss. 7, 27-38 rep. ...	46, s. 55 (1), sch. 1 Pt. III.
		Ss. 74-75 rep.	46, s. 55 (1), sch. 1 Pt. III.
		superseded ...	46, s. 55 (1), sch. 1 Pt. I para. 2 (5).
		S. 77 am.	46, s. 55 (1), sch. 1 Pt. I para. 2 (5).
		S. 78 rep. in pt.... ..	46, s. 55 (1), sch. 1 Pt. III.
c. 134... ..	Metropolitan Streets Act, 1867.	S. 24 rep.	1, s. 8 (1).
c. 144... ..	Policies of Assurance Act, 1867.	Ss. 4, 6 excl.	54, ss. 22 (11), 44 (8).
31 & 32 Vict.: c. 37	Documentary Evidence Act, 1868.	Sch. am.	68, s. 1 (5).
c. 72	Promissory Oaths Act, 1868.	Sch. Pt. II am. (E.) ...	46, ss. 9 (3), 21 (4).
c. 100... ..	Court of Session Act, 1868.	S. 91 appl. (traffic signs)	67, s. 35 (6) (b).
c. 109... ..	Compulsory Church Rate Abolition Act, 1868.	S.9. Transfer of powers, etc., of trustees to parochial church councils.	C.A.M. No. 3, s. 4 (1) (iii).
c. 119... ..	Regulation of Railways Act, 1868.	S. 19 rep. (E.) (<i>prosp.</i>) ...	52, s. 35 (1), sch. 4.
32 & 33 Vict.: c. 33	Judicial Statistics (Scotland) Act, 1869.	S. 5 rep.	26, s. 38 (1), sch. 3.
c. 34	Stipendiary Magistrates Act, 1869.	Rep.	34, ss. 16 (2), 21 (3), sch. 3 Pt. II.
		Superseded	34, s. 16 (2), sch. 2.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1956 Act or number of Measure or Statutory Instrument
32 & 33 Vict.: c. 43	Diplomatic Salaries, &c., Act, 1869.	Pensions increase ...	39, s. 3 (2), sch. 4.
c. 62	Debtors Act, 1869 ...	S. 5 am. Ss. 24-28 rep.	46, s. 40. 46, ss. 16, 57 (2), sch. 2.
34 & 35 Vict.: c. 107	Leeward Islands Act, 1871.	Rep.	23, s. 1.
c. 112	Prevention of Crimes Act, 1871.	S. 12 rep. (S.)	26, s. 38 (1), sch. 3.
35 & 36 Vict.: c. 86	Borough and Local Courts of Record Act, 1872.	S. 6 rep.	46, s. 57 (2), sch. 2.
c. 94	Licensing Act, 1872 ...	S. 12 restr. (E.)	67, s. 9 (3).
36 & 37 Vict.: c. 36	Crown Lands Act, 1873	Commissioners of Crown Lands reconstituted as Crown Estate Commissioners.	73, s. 1 (1).
c. 60	Extradition Act, 1873 ...	Sch. am.	69, s. 48, sch. 3.
c. 76	Railway Regulation Act (Returns of Signal Arrangements, Working, &c.), 1873.	S. 5. Functions of Secretary of State in relation to G.B. transfd. to Min. of Transport and Civil Aviation.	S.I. No. 1699.
37 & 38 Vict.: c. 15	Betting Act, 1874 ...	Excl. (E.) (S.)	45, s. 4 (3).
c. 20	Rating Exemptions (Scotland) Act, 1874.	Rep. (except so far as relating to burial grounds) (<i>retrosp.</i>).	60, s. 44, sch. 7 Pt. I.
c. 34	Apothecaries Act Amendment Act, 1874.	S. 3 rep.	76, s. 57 (1), sch. 5.
c. 80	Constabulary (Ireland) Act, 1874.	Pensions increase ...	39, ss. 1, 13 (4), schs. 1, 2.
38 & 39 Vict.: c. 90	Employers and Workmen Act, 1875.	S. 9 rep. in pt. (E.) ...	46, ss. 37 (3), 57 (2), sch. 2.
39 & 40 Vict.: c. 28	Court of Admiralty (Ireland) Amendment Act, 1876.	S. 3 rep. superseded S. 4 am. Ss. 15, 16 rep.	46, s. 55 (1), sch. 1 Pt. III. 46, s. 55 (1), sch. 1 Pt. 1 para. 2 (5). 46, s. 55 (1), sch. 1 Pt. 1 para. 2 (5). 46, s. 55 (1), sch. 1 Pt. III.
c. 40	Medical Practitioners Act, 1876.	Rep.	76, s. 57 (1), sch. 5.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1956 Act or number of Measure or Statutory Instrument
40 & 41 Vict.: c. 2	Treasury Bills Act, 1877	S. 6 excl.... ..	32, s. 3 (2). 55, s. 2 (2). 46, s. 55 (1), sch. 1 Pt. III.
c. 56	County Officers and Courts (Ireland) Act, 1877.	S. 49 rep. (N.I.)... ..	
41 & 42 Vict.: c. 12	Thrashing Machines Act, 1878.	Rep. (<i>prosp.</i>)	49, s. 1 (7).
c. 33	Dentists Act, 1878 ...	Expld. (colonial dentists, etc.) Expld. (registration) ... Ext. Ss. 2, 6 (b), 7 rep. in pt., 8-10 rep. S. 11 (1) (b) (c) ext. ... S. 11 (3) am. S. 11 (6) rep. (regs. saved)	29, s. 16 (1). 29, s. 31 (2). 29, s. 29 (1). 29, s. 37 (2), sch. 2. 29, s. 16 (1). 29, s. 15 (6). 29, ss. 14 (5), 37 (2), sch. 2. 29, s. 15 (4). 29, s. 15 (1). 29, ss. 6 (6), 15 (7), 37 (2), sch. 2. 29, ss. 15 (7), 37 (2), sch. 2. 29, s. 37 (2), sch. 2. 29, s. 37 (2), sch. 2. 29, s. 5 (1)-(3). 29, ss. 5 (4), 37 (2), sch. 2. 29, s. 37 (2), sch. 2. 29, ss. 31 (3), 37 (2), sch. 2.
c. 43	Marriage Notice (Scotland) Act, 1878.	S. 7 appl. S. 10 para. (a) am. S. 18 am.	70, s. 1 (1). 70, s. 2. 70, s. 3.
c. 51	Roads and Bridges (Scotland) Act, 1878.	S. 104 rep. (<i>prosp.</i>) Sch. (C) mod. (<i>prosp.</i>) ...	67, s. 55 (3) (4), sch. 9. 67, s. 51, sch. 8 para. 2.
42 & 43 Vict.: c. 22	Prosecution of Offences Act, 1879.	S. 5 saved	S.I. No. 1692, r. 8 (1) (3).
c. 42	Valuation of Lands (Scotland) Amendment Act, 1879.	Ss. 4, 5 rep. (16.5.57), 7 rep. in pt. (16.5.57). S. 9 am.	60, s. 44, sch. 7 Pt. III. 60, s. 14.
44 & 45 Vict.: c. 36	British Honduras (Court of Appeal) Act, 1881.	Rep.	63, s. 5.
c. 69	Fugitive Offenders Act, 1881.	Appl. (mod.) (Trucial States).	S.I. No. 90, art. 12, sch. 2.
45 & 46 Vict.: c. 50	Municipal Corporations Act, 1882.	S. 168 am. S. 168 (3) (8), sch. 4 para. 2 rep.	34, s. 15. 34, s. 21 (3), sch. 3 Pt. II.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1956 Act or number of Measure or Statutory Instrument
45 & 46 Vict.: c. 61	Bills of Exchange Act, 1882.	Ss. 76, 77 (1) (3)-(5) appl., 77 (6) appl. in pt., 78, 79, 81, 82 appl.	S.I. No. 1657, reg. 4 (2).
c. 63	Constabulary (Ireland) Amendment Act, 1882.	Pensions increase ...	39, ss. 1, 13 (4), schs. 1, 2.
46 & 47 Vict.: c. 14	Constabulary and Police (Ireland) Act, 1883.	Pensions increase ...	39, ss. 1, 13 (4), schs. 1, 2.
c. 52	Bankruptcy Act, 1883 ...	S. 146 rep.	46, s. 57 (2), sch. 2.
47 & 48 Vict.: c. 31	Colonial Prisoners Removal Act, 1884.	Appl. (mod.) (Trucial States).	S.I. No. 90, art. 12, sch. 2.
48 & 49 Vict.: c. 69	Criminal Law Amendment Act, 1885.	Rep. (E.)... ..	69, s. 51, sch. 4.
c. 74	Evidence by Commission Act, 1885.	Appl. (mod.) (Trucial States).	S.I. No. 90, art. 12, sch. 2.
c. 75	Prevention of Crimes Amendment Act, 1885.	Rep. (S.)... ..	26, s. 38 (1), sch. 3.
c. 79	Crown Lands Act, 1885	Commissioners of Crown Lands reconstituted as Crown Estate Commissioners.	73, s. 1 (1).
49 & 50 Vict.: c. 48	Medical Act, 1886 ...	Ss. 2-5 rep., 6 rep. in pt., 7-24 rep. S. 26 expld. rep. in pt. S. 27 rep. in pt.	76, s. 57 (1), sch. 5. 29, s. 16 (1). 29, s. 37 (2), sch. 2. 76, s. 57 (1), sch. 5.
50 & 51 Vict.: c. 16	National Debt and Local Loans Act, 1887.	Appl.	65, s. 1 (2).
c. 67	Superannuation Act, 1887.	Mod. (former Governors of dominions). Appl. (traffic commissioners). Appl. (officers, etc., of Restrictive Practices Court).	64, s. 10. 67, s. 51, sch. 8 para. 39. 68, s. 2 (5).
c. 71	Coroners Act, 1887 ...	S. 5 (1) am. S. 5 (2) appl. S. 5 (3) am.	S.I. No. 1692, r. 3. S.I. No. 1692, r. 6. S.I. No. 1692, r. 8.
51 & 52 Vict.: c. 21	Law of Distress Amendment Act, 1888.	S. 4 am.	46, s. 37 (2).
c. 41	Local Government Act, 1888.	S. 47 rep.	34, s. 21 (3), sch. 3 Pt. I.
52 & 53 Vict.: c. 11	Sale of Horseflesh, etc., Regulation Act, 1889.	Rep. (S.)... ..	30, s. 60 (2), sch. 3.
c. 12	Assizes Relief Act, 1889	S. 3 expld.	34, s. 2 (7).
c. 50	Local Government (Scotland) Act, 1889.	Ss. 13, 97 rep.	26, s. 38 (1), sch. 3.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1956 Act or number of Measure or Statutory Instrument
52 & 53 Vict.: c. 63	Interpretation Act, 1889	S. 38 saved saved (<i>prosp.</i>) excl. (E.) saved (E.) appl. S. 38 (2). Power to apply S. 38 (2) saved	{ 26, s. 38 (4). 76, s. 57 (13). 74, s. 50 (1), sch. 7 para. 42. 53, s. 12 (4). 53, s. 23, sch. 2 para. 3. 69, s. 52 (4). S.I. No. 142. 23, s. 3 (3). 25, s. 18 (5).
53 & 54 Vict.: c. 5	Lunacy Act, 1890 ...	S. 209 mod. (Liverpool and Manchester).	34, s. 2 (8).
c. 27	Colonial Courts of Admiralty Act, 1890.	S. 2 (2). Power to am....	46, s. 56 (2).
c. 59	Public Health Acts Amendment Act, 1890.	S. 39 rep. in pt. (E.) ...	67, ss. 45 (7), 55 (3), sch. 9.
c. 67	Police (Scotland) Act, 1890.	Rep.	26, s. 38 (1), sch. 3.
54 & 55 Vict.: c. 8	Tithe Act, 1891	S. 2 (8) rep. in pt., sch. rep.	46, s. 57 (2), sch. 2.
c. 24	Public Accounts and Charges Act, 1891.	S. 2 ext.	55, s. 3.
c. 31	Mail Ships Act, 1891 ...	S. 5 saved (E.) saved (S.) saved (N.I.)	46, s. 7 (4). 46, s. 47 (8). 46, s. 55 (1), sch. 1 Pt. 1 para. 7 (3).
c. 39	Stamp Act, 1891	S. 112 excl. (E.) (S.) ... Sch. 1 para. (3) of the heading "Bond, Coven- ant or Instrument", etc., am.	56, s. 7 (2), (3) (a). 54, ss. 38 (1), 44 (8).
55 & 56 Vict.: c. 40	Superannuation Act, 1892	Mod. (former Governors of dominions). Appl. (traffic commis- sioners). Appl. (officers, etc., of Restrictive Practices Court).	64, s. 10. 67, s. 51, sch. 8 para. 39. 68, s. 2 (5).
a. 55	Burgh Police (Scotland) Act, 1892.	Ss. 78-80, 82-98 rep. ... Ss. 137, 141, 142, 150, 151 am. (expenses). S. 381 (34) rep. in pt. (<i>prosp.</i>). S. 381 (50) mod. (<i>prosp.</i>) S. 384 rep. (<i>prosp.</i>) ... S. 385 (1), (3) rep. (<i>prosp.</i>) Ss. 469, 494, 502 rep. ...	26, s. 38 (1), sch. 3. 40, s. 1 (1). 52, s. 35 (1), sch. 4. 67, s. 51, sch. 8 para. 3. 52, s. 35 (1), sch. 4. 67, ss. 51, 55 (3), (4), schs. 8 para. 3, 9. 26, s. 38 (1), sch. 3.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1956 Act or number of Measure or Statutory Instrument
57 & 58 Vict.: c. 43	Crown Lands Act, 1894	Commissioners of Crown Lands reconstituted as Crown Estate Commissioners.	73, s. 1 (1).
c. 57	Diseases of Animals Act, 1894.	S. 46 (2) rep. in pt. (N.I.)	46, s. 55 (1), sch. 1 Pts. I para. 7 (1), III.
c. 60	Merchant Shipping Act, 1894.	Appl. (mod.) (Trucial States). S. 165 rep. (E.) rep. (S.) rep. (N.I.) S. 552 saved (E.) saved (N.I.) S. 565 rep. (N.I.) S. 688 rep. (E.) rep. (N.I.)	S.I. No. 90, art. 12, sch. 2. 46, ss. 5 (1), 57 (2), sch. 2. 46, s. 49 (1). 46, s. 55 (1), sch. 1 Pts. I para. 5 (1), III. 46, s. 7 (1). 46, s. 55 (1), sch. 1 Pt. I para. 7 (1). 46, s. 55 (1), sch. 1 Pt. III. 46, ss. 7 (1), 57 (2), sch. 2. 46, s. 55 (1), sch. 1 Pts. I para. 7 (1), III.
58 & 59 Vict.: c. 16 c. 41	Finance Act, 1895 Lands Valuation (Scotland) Amendment Act, 1895.	S. 12 excl. Rep. (16.5.61) S. 5 rep. (16.5.57)	29, s. 2 (1). 60, s. 44, sch. 7 Pt. IV. 60, s. 44, sch. 7 Pt. III.
c. 42	Sea Fisheries Regulation (Scotland) Act, 1895.	S. 6 (6) rep. in pt. (16.5.57)	60, s. 44, sch. 7 Pt. III.
59 & 60 Vict.: c. 25	Friendly Societies Act, 1896.	S. 8 (1) proviso expld. (E.) (S.). S. 13 (2) ext. (E.) (S.) S. 41 (1) expld. (E.) (S.)	54, ss. 26 (3) (4), 44 (8). 54, ss. 26 (4), 44 (8). 54, ss. 26 (3) (4), 44 (8).
60 & 61 Vict.: c. 38	Public Health (Scotland) Act, 1897.	S. 16 ext. (<i>prosp.</i>) S. 16 restr. S. 16 paras. (9), (10) rep. (<i>prosp.</i>) S. 18 appl. Ss. 22, 24 rep. in pt. (<i>prosp.</i>) S. 39 am. (expenses) S. 43 rep. Ss. 161, 164 appl. S. 172. Power to ext. S. 172 appl. Rep. (E.) (S.) (<i>prosp.</i>)	52, s. 16 (3). 52, s. 18 (5). 52, s. 35 (1), sch. 4. 52, s. 31 (7), sch. 3 Pt. III. 52, s. 35 (1), sch. 4. 40, s. 1 (1). 30, s. 60 (2), sch. 3. 52, s. 31 (7). 30, s. 26 (2). 52, s. 31 (7). 49, s. 1 (7).
c. 60	Chaff-Cutting Machines (Accidents) Act, 1897.	Rep. (E.) (S.) (<i>prosp.</i>)	49, s. 1 (7).
c. 66	Supreme Court of Judicature (Ireland) (No. 2) Act, 1897.	S. 6 am.	46, s. 55 (1), sch. 1 Pt. I para. 1 (5).

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1956 Act or number of Measure or Statutory Instrument
61 & 62 Vict.: c. 29	Locomotives Act, 1898...	Ss. 7, 8 rep. (<i>prosp.</i>) ...	67, s. 55 (3), sch. 9.
c. 36	Criminal Evidence Act, 1898.	Rep. (so far as still in force) (<i>prosp.</i>). S. 1 saved (E.) Sch. rep. (E.) so far as relating to the Offences against the Person Act, 1861, to the Criminal Law Amendment Act, 1885, to the Punishment of Incest Act, 1908, and to the Mental Deficiency Act, 1913.	67, s. 55 (3), sch. 9. 69, s. 39 (3). 69, s. 51, sch. 4.
c. 39	Vagrancy Act, 1898 ...	Rep.	69, s. 51, sch. 4.
c. 44	Merchant Shipping (Mercantile Marine Fund) Act, 1898.	Sch. 2 am.	S.I. No. 422.
c. 57	Elementary School Teachers (Superannuation) Act, 1898.	Pensions increase S. 9 (1) rep. in pt. ...	39, ss. 1, 13 (4), schs. 1, 2. 53, s. 21.
62 & 63 Vict.: c. 9	Finance Act, 1899 ...	S. 8 excl. (E.) (S.) ...	56, s. 7 (3) (b).
1 Edw. 7: c. 7	Finance Act, 1901 ...	S. 10 restr.	48, s. 11 (3).
2 Edw. 7: c. 15	Musical (Summary Proceedings) Copyright Act, 1902.	Rep. (<i>prosp.</i>)	74, s. 50 (2), sch. 9.
c. 41	Metropolis Water Act, 1902.	S. 1 (3) subst. S. 15 (2)-(4) am. S. 26 (1) am. Sch. 3 para. 9 subst. ...	S.I. No. 881, art. 3 (1). S.I. No. 881, art. 4. S.I. No. 881, art. 5. S.I. No. 881, art. 3 (2).
3 Edw. 7: c. 25	Licensing (Scotland) Act, 1903.	Pt. IV (ss. 52-76) excl. in pt. S. 53 saved	30, s. 28 (6). 45, s. 4 (6) (b).
c. 33	Burgh Police (Scotland) Act, 1903.	S. 14 rep. in pt. S. 16 am. (expenses) S. 45 rep. (16.5.61) Ss. 54 rep., 97 rep. in pt. S. 60 rep.	67, ss. 45 (7), 55 (3), sch. 9. 40, s. 1 (1). 60, s. 44, sch. 7 Pt. IV. 30, s. 60 (2), sch. 3. 60, ss. 11 (3), 44, sch. 7 Pt. II.
5 Edw. 7: c. 10	Shipowners' Negligence (Remedies) Act, 1905.	Rep. (E.)... .. Rep. (N.I.)	46, ss. 7 (1), 57 (2), sch. 2. 46, s. 55 (1), sch. 1 Pts. I para. 7 (1), III.
c. 14	Medical Act (1886) Amendment Act, 1905.	Rep.	76, s. 57 (1), sch. 5.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1956 Act or number of Measure or Statutory Instrument
6 Edw. 7: c. 14	Alkali, &c., Works Regulation Act, 1906.	Am. (E.) (S.) Ss. 1 (2), 2 (2), 3 (2), 6 (3), 7 (2), 8 (5) subst. (E.) (S.). S. 9 (5), proviso expld. (E.) (S.).	52, s. 17 (1). 52, s. 17 (4), sch. 2. 52, s. 17 (3).
c. 28	Crown Lands Act, 1906	Commissioners of Crown Lands reconstituted as Crown Estate Commis- sioners. S. 1 rep.	73, s. 1 (1). 73, ss. 1 (2), 3 (2), sch. Pt. I.
c. 36	Musical Copyright Act, 1906.	Rep. (<i>prosp.</i>)	74, s. 50 (2), sch. 9.
c. 46	Recorders, Stipendiary Magistrates, and Clerks of the Peace Act, 1906.	Rep. (stipendiary magis- trates). Superseded (stipendiary magistrates). S. 1 (2) am. (recorders)... S. 1 (6) rep. in pt. ...	34, s. 16 (2). 34, s. 16 (2), sch. 2. 34, s. 14. 34, s. 21 (3), sch. 3 Pt. II.
c. 47	Trade Disputes Act, 1906	S. 4 excl.	68, s. 24 (8).
7 Edw. 7: c. 23	Criminal Appeal Act, 1907.	S. 2 am. S. 16 (2) rep. in pt. ... S. 18 am. S. 18 (1) rep. in pt., 18 (2) rep.	46, s. 10 (1) (c) (d). 34, s. 20. 34, s. 19 (1), (2). 34, s. 19 (4) (a).
c. 32	Public Health (Regula- tions as to Food) Act, 1907.	Rep. (S)... ..	30, s. 60 (2), sch. 3.
c. 51	Sheriff Courts (Scotland) Act, 1907.	S. 6 rep. so far as relating to Admiralty jurisdic- tion in relation to collisions, etc. S. 20. Pensions increase	46, s. 45 (6). 39, ss. 1, 3 (2), 13 (4), schs. 1, 2, 4.
8 Edw. 7: c. 38	Irish Universities Act, 1908.	S. 11 rep.	76, s. 57 (1), sch. 5.
c. 45	Punishment of Incest Act, 1908.	Rep. (E.)... ..	69, s. 51, sch. 4.
c. 46	Criminal Appeal (Amend- ment) Act, 1908.	S. 2 (2) am.	46, s. 10 (1) (d), (2).
c. 57	Coal Mines Regulation Act, 1908.	Ss. 1, 3 susp. (<i>temp.</i>) ...	S.I. No. 622.
9 Edw. 7: c. 10	Superannuation Act, 1909	Mod. (former Governors of dominions). Appl. (traffic commis- sioners). Appl. (officers, etc., of Restrictive Practices Court).	64, s. 10. 67, s. 51, sch. 8 para. 39. 68, s. 2 (5).

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1956 Act or number of Measure or Statutory Instrument
Edw. 7: c. 47	Development and Road Improvement Funds Act, 1909.	S. 8 am. (E.) am. (S.)	67, s. 45 (5). 67, s. 45 (8).
10 Edw. 7 & 1 Geo. 5: c. 8	Finance (1909-10) Act, 1910.	S. 73 am. S. 73 proviso rep.	54, s. 37. 54, s. 44 (9), sch. 5 Pt. II.
1 & 2 Geo. 5: c. 2	Revenue Act, 1911 ...	S. 15 rep.	54, s. 44 (9), sch. 5 Pt. II.
c. 24	Pensions (Governors of Dominions, &c.) Act, 1911.	Pensions increase Am. Ext. S. 1 (1) (a) am. S. 2 rep. (saving) superseded S. 4 (1) am. S. 4 (2) am. mod. S. 4 (2) (b) expld. S. 5 rep. (saving) S. 5 (2) superseded S. 6 am. S. 8 rep. S. 9 (1) am. S. 12 (1) ext. (definition of "Governor"). am. (definition of "pension"). rep. in pt. (definition of "service in the permanent Civil Service of the State"). superseded in pt. (definition of "service in the permanent Civil Service of the State").	39, ss. 1, 3 (2), 13 (4), schs. 1, 2, 4. 64, s. 1 (1). 64, ss. 5, 6, 16 (2). 64, s. 2. 64, s. 14 (2) (3), sch. 64, s. 3. 64, s. 4 (1). 64, s. 4. 64, s. 10 (3). 64, s. 6 (4). 64, s. 14 (2), (3), sch. 64, s. 7. 64, s. 9. 64, ss. 11, 14 (3), sch. 64, s. 2. 64, s. 12 (1). S.I. No. 1004. 64, s. 14 (3), sch. 64, s. 12 (2).
c. 41	Merchant Shipping (Stewards and Trimmers) Act, 1911.	Rep. (E.)... .. Rep. (N.I.)	46, ss. 7 (1), 57 (2), sch. 2. 46, s. 55 (1), sch. 1 Pts. I para. 7 (1), III.
c. 43	University of Wales (Medical Graduates) Act, 1911.	Rep.	76, s. 57 (1), sch. 5.
c. 46	Copyright Act, 1911 ...	Rep. exc. ss. 15, 34, 37 (<i>prosp.</i>).	74, s. 50 (2), schs. 7-9.
c. 49	Small Landholders (Scotland) Act, 1911.	S. 4 (2) ext. S. 31 (6) rep. (16.5.61) ...	49, s. 21 (2). 60, s. 44, sch. 7 Pt. IV.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1956 Act or number of Measure or Statutory Instrument
1 & 2 Geo. 5: c. 53	House Letting and Rating (Scotland) Act, 1911.	Saved in pt. S. 1 am. (16.5.61) S. 7 restr. S. 7 (8) rep. (16.5.61)	60, s. 16 (3). 60, s. 37. 60, s. 17 (4). 60, s. 44, sch. 7 Pt. IV.
c. 57	Maritime Conventions Act, 1911.	S. 5 rep. (N.I.)	46, s. 55 (1), sch. 1 Pt. III.
2 & 3 Geo. 5: c. 12	Elementary School Teachers (Superannuation) Act, 1912.	Pensions increase	39, ss. 1, 13 (4), schs. 1, 2.
c. 20	Criminal Law Amendment Act, 1912.	Rep. (E.)... ..	69, s. 51, sch. 4.
3 & 4 Geo. 5: c. 3	Provisional Collection of Taxes Act, 1913.	Saved	48, s. 11 (2).
c. 28	Mental Deficiency Act, 1913.	Ss. 56 rep., 60 (1) rep. in pt.	69, s. 51, sch. 4.
4 & 5 Geo. 5: c. 8	Police (Weekly Rest-Day) (Scotland) Act, 1914.	Rep.	26, s. 38 (1), sch. 3.
c. 46	Milk and Dairies (Scotland) Act, 1914.	Ext. (power by order to include power to vary or revoke). S. 12 (1), (2) (b) (c) rep.	30, s. 56 (5). 30, s. 60 (2), sch. 3.
		S. 24 (1) subst. S. 24 (2) rep. in pt.	30, s. 40 (2). 30, s. 60 (1), sch. 2.
		S. 25 rep.	30, s. 60 (2), sch. 3.
c. 53	Special Constables (Scotland) Act, 1914.	Rep.	26, s. 38 (1), sch. 3.
c. 54	Constabulary and Police (Ireland) Act, 1914.	Pensions increase	39, ss. 1, 13 (4), schs. 1, 2.
c. 59	Bankruptcy Act, 1914 ...	Am. S. 40 (2) am.	46, s. 40. 46, s. 36 (4).
c. 61	Special Constables Act, 1914.	Pensions increase	39, ss. 1, 9 (2), 13 (4), schs. 1, 2.
		Rep. (S.)... ..	26, s. 38 (1), sch. 3.
c. 84	Irish Police Constables (Naval and Military Service) Act, 1914.	Pensions increase	39, ss. 1, 13 (4), schs. 1, 2.
c. 86	Superannuation Act, 1914	Mod. (former Governors of dominions). Appl. (traffic commissioners). Appl. (officers, etc., of Restrictive Practices Court).	64, s. 10. 67, s. 51, sch. 8 para. 39. 68, s. 2 (5).

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1956 Act or number of Measure or Statutory Instrument
& 6 Geo. 5: c. 32	Irish Police (Naval and Military Service) Act, 1915.	Pensions increase ...	39, ss. 1, 13 (4), schs. 1, 2.
c. 74	Police Magistrates (Superannuation) Act, 1915.	Pensions increase ... S. 1 (1) (3) am. (functions of Secretary of State transfd. to Lord Chancellor).	39, ss. 1, 3 (2), 13 (4), schs. 1, 2, 4. 34, s. 16 (1).
c. 90	Indictments Act, 1915 ...	Ss. 1 rep. in pt., 2 (1) rep., 2 (2) (3) rep. in pt., 2 (4) rep. S. 2 am. ... Sch. 1, rules 1, 3, 4 (exc. para. (5)), 5, 7-9, 13 appl.	34, s. 19 (4) (b). 34, s. 19 (1) (2). S.I. No. 1692, s. 2.
8 & 9 Geo. 5: c. 53	Constabulary and Police (Ireland) Act, 1918.	Pensions increase ...	39, ss. 1, 13 (4), schs. 1, 2.
c. 55	School Teachers (Superannuation) Act, 1918.	Pensions increase ... S. 1 (2) ext. ... Ss. 3, 5 appl. Power to mod. S. 7 rep. in pt. ... S. 12 (3) (4) am. ... S. 18 (definition of "average salary") am.	39, ss. 1, 13 (4), schs. 1, 2. 53, s. 10. 53, s. 10 (4), sch. 1. 53, s. 21. 53, s. 22. 53, s. 7 (4).
9 & 10 Geo. 5: c. 46	Police Act, 1919 ...	S. 3 rep. (S.) ... S. 4 rep. (S.) ... am. ... S. 10 rep. (S.) ...	26, s. 38 (1), sch. 3. 26, s. 38 (1), sch. 3. 1 (5 Eliz. 2), s. 1 (1). 26, s. 38 (1), sch. 3.
c. 47	West Indian Court of Appeal Act, 1919.	Sch. para. 18 appl. (S.)... Power to transfer jurisdiction to Federal Supreme Court and dissolve Court of Appeal.	26, s. 11 (6) (a). 63.
c. 57	Acquisition of Land (Assessment of Compensation) Act, 1919.	S. 1 (2) am. ... S. 1 (3) am. ... Mod. (London underground works). S. 5 (2) mod. (London underground works).	23, s. 5 (2). 23, s. 5 (1). 59, s. 2 (1). 59, s. 6 (7).
c. 68	Constabulary and Police (Ireland) Act, 1919.	Pensions increase ...	39, ss. 1, 13 (4), schs. 1, 2.
c. 76	Church of England Assembly (Powers) Act, 1919.	S. 1 am. ...	C.A.M. No. 2, ss. 1, 4.
c. 92	Aliens Restriction (Amendment) Act, 1919.	S. 1 cont. until 31.12.57	4 (5 Eliz. 2), s. 1 (1).

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1956 Act or number of Measure or Statutory Instrument
<p>10 & 11 Geo. 5: c. 8 c. 17 c. 36 c. 67</p>	<p>House Letting and Rating (Scotland) Act, 1920. Increase of Rent and Mortgage Interest (Restrictions) Act, 1920. Pensions (Increase) Act, 1920. Government of Ireland Act, 1920.</p>	<p>Saved in pt. S. 2 (1) (a)-(d) mod. (S.) S. 5 (4) rep. in pt. (E.) ... excl. (E.) S. 12 (1) (a) (c) mod. (S.) S. 12 (7) am. (S.) S. 12 (9) rep. in pt. (16.5.61). Pensions increase Ss. 2 (3), 4 (c) rep., 7 (1) rep. in pt. Sch. Pt. I para. 1 subst. Ext. S. 4 mod. S. 6 mod. S. 18 (2) saved Sch. 8. Pensions increase</p>	<p>60, s. 16 (3). 60, s. 16 (2), sch. 3, para. 7. 46, ss. 28 (4), 57 (2), sch. 2. 46, s. 28 (4). 60, s. 16 (2), sch. 3, para. 6. 60, s. 16 (2), sch. 3, para. 8. 60, s. 44, sch. 7 Pt. IV. 39, ss. 2 (1), 6 (2), 9 (3), 13 (3) (4). 39, ss. 13 (2)-(4), sch. 5. 39, ss. 2 (2), 13 (3) (4), sch. 3. 52, s. 36. 51, s. 5 (4). 25, s. 17 (3). 29, s. 36 (1). 46, s. 55 (4). 69, s. 50 (2). 76, s. 56 (2). 76, s. 56 (3). 39, ss. 1, 3 (2), 13 (4), schs. 1, 2, 4.</p>
<p>11 & 12 Geo. 5: c. 21</p>	<p>Dentists Act, 1921</p>	<p>Expld. (colonial dentists, etc.). Expld. (registration) Ext. S. 1. Functions of Dental Bd. transf'd. to Gen. Dental Council. S. 1 restr. S. 1 (2) am. S. 2. Functions of Dental Bd. transf'd. to Gen. Dental Council. S. 2 (1)-(3) rep. S. 4 (b) am. S. 5 restr. expld. ("business of dentistry"). S. 5 (1) restr. power to exclude S. 5 (1) (b) ext. S. 5 (3) restr. S. 5 (5) rep. S. 6 (1) (3) rep., 6 (4) rep. in pt. S. 7 rep. (regs. saved)</p>	<p>29, s. 16 (1). 29, s. 31 (2). 29, s. 29 (1). 29, s. 31 (1). 29, s. 18 (8). 29, s. 28 (2) (3). 29, s. 31 (1). 29, s. 37 (2), sch. 2. 29, s. 30 (1)-(3). 29, s. 25 (1)-(3). 29, s. 26 (1). 29, s. 24 (1). 29, s. 24 (3) (4). 29, s. 24 (2). 29, s. 25 (4). 29, ss. 26 (3), 37 (2), sch. 2. 29, s. 37 (2), sch. 2. 29, ss. 14 (5), 24 (7), 37 (2), sch. 2.</p>

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1956 Act or number of Measure or Statutory Instrument
11 & 12 Geo. 5: c. 21— <i>cont.</i>	Dentists Act, 1921— <i>cont.</i>	S. 8 rep. (regs. saved) ...	29, ss. 6 (6), 14 (5), 37 (2), sch. 2.
		S. 9 excl....	29, ss. 10 (5), 15 (5).
		Ss. 10 rep., 11 (2) rep. in pt., 13 rep.	29, s. 37 (2), sch. 2.
		S. 14 (2) am. ...	29, s. 28 (1).
		Ss. 15 (1), 16 rep., 17 (1) rep. in pt., sch. 1 rep.	29, s. 37 (2), sch. 2.
c. 31 ...	Police Pensions Act, 1921	Pensions increase ...	39, ss. 1, 7 (3), 9 (2), 13 (4), schs. 1, 2.
		S. 10 saved ...	39, ss. 10 (4), 13 (4).
c. 32 ...	Finance Act, 1921 ...	S. 44 am. ...	54, s. 34 (2).
c. 42 ...	Licensing Act, 1921 ...	S. 4. Power to excl. ...	37, s. 1 (2) (5).
c. 47 ...	Safeguarding of Industries Act, 1921.	Pt. I. Power to remit or repay duty on certain goods.	54, s. 6.
C.A.M. No. 1	Parochial Church Councils (Powers) Measure, 1921.	Rep. ...	C.A.M. No. 3, s. 10 (4).
12 & 13 Geo. 5: c. 54 ...	Milk and Dairies (Amend- ment) Act, 1922.	S. 4 rep. (S.) ...	30, s. 60 (2), sch. 3.
		S. 5 (2) rep. (S.) ...	30, ss. 40 (2), 60 (2), sch. 3.
		S. 8 rep. (S.) ...	30, s. 60 (2), sch. 3.
		S. 9 (1) subst. (S.) ...	30, s. 40 (2).
		S. 9 (3) rep. (S.)... ...	30, s. 60 (2), sch. 3.
		S. 13 rep. (S.) ...	30, s. 60 (2), sch. 3.
		S. 14 para. (e) am. ...	30, s. 60 (1), sch. 2.
c. 55 ...	Constabulary (Ireland) Act, 1922.	Pensions increase ...	39, ss. 1, 13 (4), schs. 1, 2.
c. 56 ...	Criminal Law Amend- ment Act, 1922.	Rep. (E.)... ...	69, s. 51, sch. 4.
		S. 2 proviso expld. ...	69, s. 49.
13 & 14 Geo. 5: c. 11 ...	Special Constables Act, 1923.	Ss. 1, 2 rep. (S.), 4 rep., 5 rep. in pt.	26, s. 38 (1), sch. 3.
c. 28 ...	Intoxicating Liquor (Sale to Persons under Eighteen) Act, 1923.	Appl. ...	42, s. 1 (2).
14 & 15 Geo. 5: c. 24 ...	Isle of Man (Customs) Act, 1924.	S. 4 cont. ...	S.I. No. 1160.
c. 32 ...	Pensions (Increase) Act, 1924.	Pensions increase ...	39, ss. 2 (1), 6 (2), 9 (3), 13 (3) (4).
		S. 1 rep. ...	39, s. 13 (2)-(4), sch. 5.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1956 Act or number of Measure or Statutory Instrument
14 & 15 Geo. 5: c. 34	London Traffic Act, 1924	S. 10 saved S. 10. Power to suspend or mod. regs. under. S. 10 expld. in pt. S. 10 (1) am. Sch. 3 expld. (meaning of "road"). Sch. 3 para. (2) am.	67, s. 19 (9). 67, s. 36 (5) (6). 67, s. 51, sch. 8 para. 4 (3). 67, s. 51, sch. 8 para. 4 (1). 67, s. 51, sch. 8 para. 4 (3). 67, s. 51, sch. 8 para. 4 (2).
15 & 16 Geo. 5: c. 19	Trustee Act, 1925 ...	S. 25 (4) rep. in pt. (<i>retrosp.</i>).	46, ss. 18, 57 (2), sch. 2.
c. 20	Law of Property Act, 1925.	S. 195 (1)-(3), (5) rep. ...	46, ss. 34 (2), 57 (2), sch. 2.
c. 21	Land Registration Act, 1925.	Ext.	46, s. 35 (3).
c. 22	Land Charges Act, 1925	S. 126 (2) rep.	46, s. 57 (2), sch. 2.
c. 22	Land Charges Act, 1925	Ext.	46, s. 35 (3).
c. 22	Land Charges Act, 1925	S. 7 (1) mod.	46, s. 36 (3).
c. 22	Land Charges Act, 1925	S. 15 appl. (London underground works).	59, s. 6 (9).
c. 36	Finance Act, 1925 ...	S. 4 am. and ext. ...	} S.I. No. 1633.
c. 36	Finance Act, 1925 ...	Sch. 2 Pt. I subst. ...	
c. 36	Finance Act, 1925 ...	Sch. 2 Pt. III para. 1 restr.	
c. 46	Dramatic and Musical Performers' Protection Act, 1925.	S. 1 am. (<i>prosp.</i>) ...	74, s. 45, sch. 6 Pt. III.
c. 46	Dramatic and Musical Performers' Protection Act, 1925.	Ss. 1A, 1B added (<i>prosp.</i>)	74, s. 45, sch. Pt. I.
c. 46	Dramatic and Musical Performers' Protection Act, 1925.	S. 3 am. (<i>prosp.</i>) ...	74, s. 45, sch. 6 Pt. III.
c. 46	Dramatic and Musical Performers' Protection Act, 1925.	Ss. 3A, 3B added (<i>prosp.</i>)	74, s. 45, sch. 6 Pt. II.
c. 46	Dramatic and Musical Performers' Protection Act, 1925.	S. 4 am. (<i>prosp.</i>) ...	74, s. 45, sch. 6 Pt. III.
c. 46	Dramatic and Musical Performers' Protection Act, 1925.	S. 1 am. (<i>prosp.</i>) ...	74, s. 45, sch. 6 Pt. III.
c. 46	Dramatic and Musical Performers' Protection Act, 1925.	Ss. 1A, 1B added (<i>prosp.</i>)	74, s. 45, sch. Pt. I.
c. 46	Dramatic and Musical Performers' Protection Act, 1925.	S. 3 am. (<i>prosp.</i>) ...	74, s. 45, sch. 6 Pt. III.
c. 46	Dramatic and Musical Performers' Protection Act, 1925.	Ss. 3A, 3B added (<i>prosp.</i>)	74, s. 45, sch. 6 Pt. II.
c. 46	Dramatic and Musical Performers' Protection Act, 1925.	S. 4 am. (<i>prosp.</i>) ...	74, s. 45, sch. 6 Pt. III.
c. 49	Supreme Court of Judicature (Consolidation) Act, 1925.	S. 2 (1) am.	68, s. 32 (1).
c. 49	Supreme Court of Judicature (Consolidation) Act, 1925.	S. 22 rep.	46, s. 57 (2), sch. 2.
c. 49	Supreme Court of Judicature (Consolidation) Act, 1925.	superseded	46, s. 7 (2).
c. 49	Supreme Court of Judicature (Consolidation) Act, 1925.	S. 31 (1) (<i>g</i>) rep. ...	46, ss. 15 (4), 57 (2), sch. 2.
c. 49	Supreme Court of Judicature (Consolidation) Act, 1925.	S. 33 rep.	46, s. 57 (2), sch. 2.
c. 49	Supreme Court of Judicature (Consolidation) Act, 1925.	superseded	46, s. 7 (2).
c. 49	Supreme Court of Judicature (Consolidation) Act, 1925.	S. 49 appl.	29, s. 33 (2). 76, s. 37 (5), sch. 4 para. 5 (2).
c. 49	Supreme Court of Judicature (Consolidation) Act, 1925.	S. 62 rep. (saving) ...	46, ss. 15 (4), 57 (2), sch. 2.
c. 49	Supreme Court of Judicature (Consolidation) Act, 1925.	S. 72 ext.	34, s. 6 (3).
c. 49	Supreme Court of Judicature (Consolidation) Act, 1925.	S. 72 (3)-(5) appl. ...	34, s. 2 (5).
c. 49	Supreme Court of Judicature (Consolidation) Act, 1925.	S. 84 (7) excl.	46, s. 13 (1).
c. 49	Supreme Court of Judicature (Consolidation) Act, 1925.	Ss. 86-97 rep.	46, ss. 15 (3), 57 (2), sch. 2.
c. 49	Supreme Court of Judicature (Consolidation) Act, 1925.	S. 99 (1) (<i>d</i>) rep. in pt....	46, s. 57 (2), sch. 2.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1956 Act or number of Measure or Statutory Instrument
15 & 16 Geo. 5: c. 49— <i>cont.</i>	Supreme Court of Judicature (Consolidation) Act, 1925— <i>cont.</i>	S. 99 (4) am. S. 116 am. (deputy district registrars). S. 120 excl. S. 125 (1) rep. in pt. S. 125 (2) rep. in pt. S. 169 (1) rep. in pt. (<i>retrosp.</i>). S. 169 (3) (a) am. (<i>retrosp.</i>). S. 206 am. S. 214 (4) rep. S. 217 (2) rep. in pt. am. Sch. 4 am. Ss. 5, 7 as am., cont.	34, s. 19 (2). 46, s. 11 (1). 46, s. 12 (6). 46, s. 57 (2), sch. 2. 46, ss. 9 (4), 57 (2), sch. 2. 46, ss. 17 (3), 57 (2), sch. 2. 46, s. 17 (3) (b). 46, s. 32 (1). 46, ss. 19, 57 (2), sch. 2. 46, s. 57 (2), sch. 2. 46, s. 14. 46, s. 10(1)(a)(b). S.I. No. 1160.
c. 56	Isle of Man (Customs) Act, 1925.	Pensions increase	39, ss. 1, 13 (4), schs. 1, 2.
c. 59	Teachers (Superannuation) Act, 1925.	Ext. (<i>prosp.</i>) (meaning of "contributory service") Power to apply in pt. (mod.) Pt. II (ss. 2–19) ext. mod. S. 2 (1) (b) (definition of "contributory service") am. (<i>prosp.</i>) ext. S. 3 (1) (d) am. mod. excl.... .. S. 3 (3) rep. and superseded. S. 4 am. S. 5. Power to mod. S. 5 (2) excl. S. 6. Power to mod. sch. 1. S. 6 (1) rep. S. 6 (2) am. S. 7 (1) rep. in pt. S. 8. Power to mod. S. 9 am. S. 9 (1) (a) am. S. 9 (1) (b) am. S. 10 (1) proviso (a), 10 (1A) rep. (<i>saving</i>) (<i>retrosp.</i> so far as relating to service on and after 1.10.1950). S. 10 (2) am.	53, s. 15 (1) (2). 53, ss. 18 (5), 19 (3). 53, s. 11 (1)–(3). 53, s. 7 (3). 53, s. 15 (2). 53, ss. 18 (3), 19 (1). 53, s. 6 (2). 53, ss. 14 (1), 23, sch. 2 para. 7. 53, s. 14 (3). 53, ss. 5, 10. 53, ss. 6 (2), 14 (4). 53, s. 10 (4), sch. 1. 53, s. 7 (4). 53, s. 10 (4), sch. 1. 53, s. 12 (4). 53, s. 6 (2). 53, s. 20. 53, s. 10 (4), sch. 1. 53, s. 6 (3). 53, s. 2 (1). 53, s. 2 (2). 53, s. 7 (1) (2). 53, ss. 6 (4), 7 (4).

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1956 Act or number of Measure or Statutory Instrument	
15 & 16 Geo. 5: c. 59— <i>cont.</i>	Teachers (Superannuation) Act, 1925—<i>cont.</i>	<p>S. 12. Power to mod....</p> <p>S. 12 appl.</p> <p>S. 12 (3) am.</p> <p>S. 13 (2) (d) (e) rep. and superseded.</p> <p>S. 13 (2) (f) rep. ...</p> <p>S. 13 (2) (g) excl. ...</p> <p>S. 14. Power to mod. ...</p> <p>S. 14 (3) (b). Pensions increase.</p> <p>S. 14 (3) (b) excl. ...</p> <p>S. 15 rep. in pt.</p> <p>ext.</p> <p>S. 18 am. (saving) ...</p> <p>Sch. 1. Power to apply</p> <p>Sch. 1 para. 7 (1) rep. in pt.</p> <p>Sch. 2 para. 2 ext. ...</p> <p>Sch. 2 para. 2 (a) am. ...</p> <p>Sch. 2 para. 2 (c) excl. ...</p> <p>Rep.</p>	<p>53, s. 10 (4), sch. 1.</p> <p>S.I. No. 1514.</p> <p>53, s. 6 (2).</p> <p>53, s. 23, sch. 2 para. 3.</p> <p>53, s. 23, sch. 2 para. 6.</p> <p>53, s. 23, sch. 2 para. 7.</p> <p>53, s. 10 (4), sch. 1.</p> <p>39, ss. 1, 5 (2), 9 (2), 13 (4), sch. 1 Pt. II para. 2.</p> <p>39, ss. 1, 13 (4), sch. 1 Pt. I para. 4.</p> <p>53, s. 3 (2)-(4).</p> <p>53, s. 8 (4).</p> <p>53, s. 6 (1).</p> <p>53, s. 8 (5).</p> <p>53, s. 21.</p> <p>53, s. 1.</p> <p>53, s. 4 (3).</p> <p>53, s. 1 (2).</p>	
c. 60	Therapeutic Substances Act, 1925.	Rep.	25, s. 18 (1), sch. 2.	
c. 71	Public Health Act, 1925	S. 23 (1) am.	67, s. 51, sch. 8 para. 5.	
c. 86	Criminal Justice Act, 1925	S. 68 saved Sch. 1 para. 3 rep. ...	67, s. 19 (9). 69, s. 51, sch. 4.	
16 & 17 Geo. 5: c. 11	Law of Property (Amendment) Act, 1926.	Sch. rep. so far as relating to s. 25 of the Trustee Act, 1925 (15 & 16 Geo. 5, c. 19).	46, s. 57 (2), sch. 2.	
c. 27	Isle of Man (Customs) Act, 1926.	S. 8 cont.	} S.I. No. 1160.	
c. 36	Parks Regulation (Amendment) Act, 1926.	S. 13 excl. (U.N. films) ... S. 2 (1) ext. (<i>prosp.</i>) ...		67, s. 25.
c. 43	Public Health (Smoke Abatement) Act, 1926.	S. 4 (1) ext.		52, s. 17 (3).
c. 47	Rating (Scotland) Act, 1926.	S. 4 (3) saved	52, s. 17 (6).	
c. 47	Rating (Scotland) Act, 1926.	S. 11 para. (a) rep. (<i>retrosp.</i>)	60, s. 44, sch. 7 Pt. I.	
c. 47	Rating (Scotland) Act, 1926.	S. 11 para. (b) rep. in pt. (16.5.57).	60, s. 44, sch. 7 Pt. III.	
c. 47	Rating (Scotland) Act, 1926.	S. 12 rep. (with saving for subss. (5) (6) (16.5.61)).	} 60, s. 44, sch. 7 Pt. IV.	
c. 47	Rating (Scotland) Act, 1926.	S. 29 (1) rep. in pt. (16.5.61).		60, s. 44, sch. 7 Pt. IV.
c. 56	Housing (Rural Workers) Act, 1926.	Sch. 1 rep. (16.5.61) ...	} 60, s. 16 (2), sch. 3 paras. 9, 10.	
c. 56	Housing (Rural Workers) Act, 1926.	S. 3 (1) (b) am. (S.) ...		60, s. 16 (2), sch. 3 paras. 9, 10.
c. 56	Housing (Rural Workers) Act, 1926.	S. 8 para. (f) rep. (16.5.57).	60, s. 44, sch. 7 Pt. III.	

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1956 Act or number of Measure or Statutory Instrument
16 & 17 Geo. 5: c. 59	Coroners (Amendment) Act, 1926.	S. 6. Pensions increase	39, ss. 1, 3 (2), 9 (2), 13 (4), schs. 1, 2, 4.
c. 63	Sale of Food (Weights and Measures) Act, 1926.	S. 20 ext. S. 10 ext. (S.) Sch. 1 Pt. II am.	67, s. 8 (3). 30, s. 36 (7). S.I. No. 1165.
17 & 18 Geo. 5: c. 23	Crown Lands Act, 1927	Commissioners of Crown Lands reconstituted as Crown Estate Commissioners.	73, s. 1 (1).
c. 37	Road Transport Lighting Act, 1927.	S. 1 (2) rep. in pt. S. 1 (2) (b) subst. S. 1 (4) rep. in pt. (<i>prosp.</i>) S. 6 (iii) (b) rep. in pt. S. 8 (1) proviso (i) am. Ss. 10, 14 appl.	67, s. 55 (3), sch. 9. 67, s. 51, sch. 8 para. 6 (2). 67, ss. 41, 55 (3), sch. 9. 67, ss. 51, 55 (3), schs. 8 para. 8 (1), 9. 67, s. 51, sch. 8 para. 8 (2). 67, s. 51, sch. 8 para. 7 (2).
c. 39	Medical and Dentists Acts Amendment Act, 1927.	Ss. 1 rep. in pt., 3 (2) (4) (5) rep. Ext. (dentists) Expld. (registration of dentists). Sch. Pt. II art. 4. expld. (dentists register).	76, s. 57 (1), sch. 5. 29, s. 29 (1). 29, s. 31 (2). 29, s. 16 (9).
18 & 19 Geo. 5: c. 17	Finance Act, 1928 ...	S. 2 (1) am. (<i>temp.</i>) Sch. 2 Pt. III para. 9 appl.	2 (5 Eliz. 2), s. 1. 48, s. 35 (6).
c. 26	Administration of Justice Act, 1928.	S. 10 rep. in pt.	46, s. 57 (2), sch. 2.
c. 31	Food and Drugs (Adulteration) Act, 1928 ...	Rep. (S.)	30, s. 60 (2), sch. 3.
c. 42	Criminal Law Amendment Act, 1928.	Rep. (E.)	69, s. 51, sch. 4.
c. 44	Rating and Valuation (Apportionment) Act, 1928.	S. 9 para. (3) rep. (16.5.61), para. (5) rep. in pt. (16.5.61). S. 9 para. (14) rep. in pt. (16.5.57)	60, s. 44, sch. 7 Pt. IV. 60, s. 44, sch. 7 Pt. III.
19 & 20 Geo. 5: c. 11	Superannuation (Diplomatic Service) Act, 1929.	Pensions increase	39, s. 1, 13 (4), schs. 1, 2.
c. 16	Pensions (Governors of Dominions, &c.) Act, 1929.	Pensions increase S. 1 rep. S. 2 expld. S. 3 rep. S. 4 rep. (saving) superseded S. 7 rep.	39, ss. 1, 3 (2), 13 (4), schs. 1, 2, 4. 64, s. 14 (3), sch. 64, s. 12 (2) (3). 64, s. 14 (3), sch. 64, s. 14 (2) (3), sch. 64, s. 7. 64, s. 14 (3), sch.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1956 Act or number of Measure or Statutory Instrument
19 & 20 Geo. 5: c. 17	Local Government Act, 1929.	S. 124. Power to mod....	53, s. 10 (4), sch. 1.
c. 25	Local Government (Scotland) Act, 1929.	Ss. 3 (3)–(6), 5 (6) rep. ...	26, s. 38 (1), sch. 3.
		S. 4 rep. (16.5.57) ...	60, s. 44, sch. 7 Pt. III.
		S. 44 rep. (16.5.61) ...	60, s. 44, sch. 7 Pt. IV.
		S. 45 saved	60, s. 6 (9).
		S. 47 (4) am. (16.5.57) ...	60, s. 32.
		S. 77 (1) rep. in pt. (16.5.61) (definitions of "gross annual valuation", "rateable value", and "rateable valuation").	60, s. 44, sch. 7 Pt. IV.
		Sch. 1 Pt. I, paras. 3, 7, 9, 11, 13, 20, 26 rep.	} 30, s. 60 (2), sch. 3.
		Sch. 1 Pt. II, paras. 1, 4 rep.	
c. 32	Artificial Cream Act, 1929.	Rep. (S.)... ..	30, s. 60 (2), sch. 3.
c. 36	Age of Marriage Act, 1929.	S. 1 (1) proviso rep. (E.)	69, s. 51, sch. 4.
c. 37	Police Magistrates Superannuation (Amendment) Act, 1929.	Pensions increase ...	39, ss. 1, 3 (2), 13 (4), schs. 1, 2, 4.
C.A.M. No. 2 ...	Representation of the Laity Measure, 1929.	Rep. (except Channel Islands).	C.A.M. No. 2, s. 2 (1).
20 & 21 Geo. 5: c. 1	Isle of Man (Customs) Act, 1929.	S. 3 cont.	S.I. No. 1160.
c. 28	Finance Act, 1930 ...	S. 40 (2) proviso am. ...	54, s. 34 (2).
c. 42	Isle of Man (Customs) Act, 1930.	S. 4 (1) (2) am.	S.I. No. 2039.
c. 43	Road Traffic Act, 1930...	Restr. (licensing of drivers) Pt. I expld.	67, s. 26 (3). 67, s. 9 (2).
		S. 2 (1) rep. in pt. ...	67, ss. 51, 55 (3), schs. 8 para. 9 (1), 9.
		am.	67, s. 51, sch. 8 para. 9 (1) (2).
		S. 2 (1) (d)–(f) am. ...	67, s. 51, sch. 8 para. 9 (1).
		S. 2 (1) (e) am.	67, s. 51, sch. 8 para. 9 (1) (3).
		S. 2 (1) (f) am.	67, s. 51, sch. 8 para. 9 (1).
		S. 2 (2) rep.	67, ss. 51, 55 (3), schs. 8 para. 9 (2), 9.
		S. 2 (3) rep.	67, s. 55 (3), sch. 9.
		S. 2 (4) (b) am.	67, s. 51, sch. 8 para. 9 (3).
		S. 3 (1) proviso (b) am. ...	67, s. 51, sch. 8 para. 16 (1).
		S. 4 ext.	67, s. 31 (2) (3).
		am. (<i>prosp.</i>)	67, s. 48.
		S. 4 (3) am.	67, s. 51, sch. 8 para. 9 (4).

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1956 Act or number of Measure or Statutory Instrument
20 & 21 Geo. 5: c. 43— <i>cont.</i>	Road Traffic Act, 1930— <i>cont.</i>	S. 4 (5) am. S. 5 (2) am. S. 5 (3) am. (<i>prosp.</i>) S. 5 (4) ext. S. 6 ext. S. 6 (1) proviso rep. S. 6 (1) am. saved S. 6 (2) am. S. 7 (3) am. rep. in pt. S. 8 (6) rep. in pt. S. 9. Power to mod. S. 9 (5) am. S. 10 restr. (<i>prosp.</i>) ext. (<i>prosp.</i>) S. 10 (4) expld. S. 11. Power to appl. S. 11 am. S. 11 (1) am. S. 11 (1) (a) am. S. 11 (3) am. S. 11 (4) am. S. 12 am. S. 12 (1) am. S. 12 (2) rep. in pt. S. 14 (1) am. S. 14 (3) added S. 15 am. S. 15 (1) rep. in pt. S. 15 (1) am. S. 15 (4) am. S. 20 am. S. 21 excl. am. ext. S. 22 (1) am. S. 30 ext. (<i>prosp.</i>) S. 30. Power to mod. S. 30 (1) (g) rep. in pt. (<i>prosp.</i>).	67, s. 31 (4). 67, s. 51, sch. 8 para. 10. 67, s. 18 (1) (2). 67, s. 31 (1). 67, s. 28. 67, ss. 29 (3), 55 (3), sch. 9. 67, s. 26 (2). 67, s. 26 (3). 67, s. 51, sch. 8 para. 11. 67, s. 27. 67, s. 55 (3), sch. 9. 67, s. 55 (3), sch. 9. 67, s. 10 (1). 67, s. 10 (2). 67, s. 4 (7). 67, s. 4 (8) (9). 67, s. 51, sch. 8 para. 9 (5). 67, s. 8 (4). 67, s. 26 (1). 67, s. 11. 67, s. 51, sch. 8 para. 12 (1). 67, s. 51, sch. 8 para. 12 (2). 67, s. 51, sch. 8 para. 13. 67, s. 26 (1). 67, ss. 11, 51, sch. 8 para. 12 (3). 67, ss. 51, 55 (3), schs. 8 para. 12 (3), 9. 67, s. 51, sch. 8 para. 14. 67, s. 51, sch. 8 para. 14. 67, s. 26 (1). 67, ss. 9 (6), 55 (3), sch. 9. 67, ss. 11, 51, sch. 8 para. 12 (4). 67, s. 11. 67, s. 11 (1). 67, s. 8 (4). 67, s. 11 (1). 67, s. 30. 67, s. 51, sch. 8 para. 15. 67, s. 48 (5). 67, s. 51, sch. 8 para. 16 (2). 67, s. 55 (3), sch. 9.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1956 Act or number of Measure or Statutory Instrument
20 & 21 Geo. 5: c. 43— <i>cont.</i>	Road Traffic Act, 1930— <i>cont.</i>	<p>S. 30 (1) (<i>gg</i>) added ...</p> <p>S. 30 (1) (i) am. (<i>prosp.</i>)</p> <p>S. 35 mod. ...</p> <p>S. 35 (2) rep. in pt. ...</p> <p>S. 40 (1) am. ...</p> <p> appl. in pt. (<i>prosp.</i>)</p> <p>P. III (ss. 45–60) expld. (“ traffic signs ”).</p> <p>S. 45 (3) rep. in pt. ...</p> <p>S. 46 excl. (<i>prosp.</i>) (Lon- don Traffic Area).</p> <p>S. 46 (1) rep. (<i>prosp.</i>) ...</p> <p>S. 46 (2) am. (<i>prosp.</i>) ...</p> <p>S. 46 (2) proviso ext. (<i>prosp.</i>).</p> <p>S. 46 (6) am. (<i>prosp.</i>) ...</p> <p>S. 46 (8) am. (<i>retrosp.</i>)</p> <p>S. 46 (9) rep. (<i>prosp.</i>) ...</p> <p>S. 47 ext. (<i>prosp.</i>) ...</p> <p>S. 47 (1) am. (<i>prosp.</i>) ...</p> <p>S. 47 (2) appl. (<i>prosp.</i>) ...</p> <p>S. 47 (4) appl. (<i>prosp.</i>) ...</p> <p> am. (<i>prosp.</i>) ...</p> <p>S. 47 (6) am. (<i>prosp.</i>) ...</p> <p>S. 47 (7) appl. (<i>prosp.</i>) ...</p> <p>S. 47 (8) rep. (saving) ... (<i>prosp.</i>).</p> <p>S. 47 (9) appl. (<i>prosp.</i>) ...</p> <p>S. 48 (1) am. ...</p> <p> ext. ...</p> <p>S. 48 (2) ext. ...</p> <p>S. 48 (3) excl. ...</p> <p>S. 48 (4) am. ...</p> <p>S. 48 (4) proviso rep. ...</p> <p>S. 48 (5) ext. ...</p> <p>S. 48 (6) ext. ...</p> <p>S. 48 (7) am. ...</p> <p>S. 48 (9) rep. in pt. ...</p> <p>S. 49 am., rep. in pt. ...</p> <p>Ss. 55, 57 (2) rep. in pt.</p>	<p>67, s. 51, sch. 8 para. 17.</p> <p>67, s. 48 (3) (4).</p> <p>67, s. 29 (1).</p> <p>67, ss. 29 (2), 55 (3), sch. 9.</p> <p>67, s. 31 (4).</p> <p>67, s. 53 (3).</p> <p>67, s. 35 (1).</p> <p>67, ss. 51, 55 (3), schs. 8, para. 18, 9.</p> <p>67, s. 33 (8).</p> <p>67, ss. 33 (1), 55 (3), sch. 9.</p> <p>67, s. 33 (1) (2) (9).</p> <p>67, ss. 33 (5), 34 (4).</p> <p>67, ss. 26 (1), 51, sch. 8 para. 12 (5).</p> <p>67, ss. 33 (6), 55 (2).</p> <p>67, s. 55 (3), sch. 9.</p> <p>67, s. 34 (1).</p> <p>67, s. 34 (5), (8)–(10).</p> <p>67, s. 34 (2).</p> <p>67, s. 34 (3).</p> <p>67, s. 34 (6).</p> <p>67, s. 34 (7)–(10).</p> <p>67, ss. 34 (3).</p> <p>67, s. 34 (6).</p> <p>67, s. 34 (3).</p> <p>67, ss. 36 (3), 37 (1), 38 (1).</p> <p>67, s. 51, sch. 8 para. 6 (3).</p> <p>67, s. 35 (4).</p> <p>67, ss. 36 (3), 37 (2), 38 (2).</p> <p>67, ss. 35 (2).</p> <p>67, ss. 35 (2), 55 (3), sch. 9.</p> <p>67, ss. 35 (2), (5) (6), 51, sch. 8 para. 6 (3).</p> <p>67, s. 35 (6).</p> <p>67, s. 35 (6).</p> <p>67, s. 55 (3), sch. 9.</p> <p>67, s. 35 (7).</p> <p>67, ss. 45 (7), 55 (3), sch. 9.</p>

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1956 Act or number of Measure or Statutory Instrument
20 & 21 Geo. 5: c. 43— <i>cont.</i>	Road Traffic Act, 1930— <i>cont.</i>	S. 59 ext.	67, s. 51, sch. 8 para. 19.
		S. 59 (1) (c) am.	67, s. 6 (1).
		S. 59 (3) am.	67, s. 6 (2).
		S. 60 paras. (a) (b) subst. by para. (a) (<i>prosp.</i>).	67, s. 51, sch. 8 para. 20.
		Pt. IV am. (licensing authority re-named).	67, s. 51, sch. 8 para. 40.
		S. 61 rep.	67, s. 55 (3), sch. 9.
		S. 64 (1) am.	67, s. 51, sch. 8 para. 21.
		S. 67 expld.	67, s. 39 (1).
		S. 68 (1) am.	67, s. 51, sch. 8 para. 22 (1).
		S. 68 (1A) added	67, s. 51, sch. 8 para. 22 (2).
		S. 68 (2) proviso am.	67, s. 51, sch. 8 para. 22 (1).
		S. 68 (3) am.	67, s. 51, sch. 8 paras. 22 (3), 23.
		S. 68 (4) am.	67, s. 51, sch. 8 para. 22 (1).
		S. 71 (4) am.	67, s. 51, sch. 8 para. 22 (4).
		S. 72 (4) am.	67, s. 47 (1).
		S. 72 (4). Power to ext. (<i>temp.</i>).	2 (5 Eliz. 2), s. 2 (1) (2) (4).
		S. 79 ext.	67, ss. 47 (2), 51, sch. 8 para. 24.
		S. 81 ext.	67, ss. 47 (2), 51, sch. 8 para. 25 (3) (7).
		restr.	67, s. 51, sch. 8 para. 25 (1) (2).
		S. 81 (1) (b) am.	67, s. 51, sch. 8 para. 25 (4).
		S. 81 (1) (e) am.	67, s. 51, sch. 8 para. 25 (5).
		S. 81 (2) am.	67, s. 51, sch. 8 para. 25 (6).
		S. 95 excl.	67, s. 51, sch. 8 para. 26.
		S. 111 (2) appl.	67, s. 51, sch. 8 para. 27.
		S. 111 (4) rep.	67, ss. 51, 55 (3), schs. 8 para. 27, 9.
		S. 112 (1) (3) appl. (<i>prosp.</i>)	67, s. 1 (8).
		S. 112 (4) (<i>prosp.</i>) ext.	67, s. 1 (8).
		S. 113 (2) restr.	67, s. 31 (5).
		S. 113 (3) ext.	67, s. 35 (8).
		S. 120 saved	67, s. 32 (1).
		S. 121 (1) rep. in pt. and superseded (definition of "public service vehicle").	67, s. 19 (9).
		S. 121 (1) rep. in pt. and superseded (definition of "public service vehicle").	67, ss. 39 (1), 55 (3), sch. 9.
		S. 121 (2) appl. (mod.)...	67, s. 53 (1) (2).

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1956 Act or number of Measure or Statutory Instrument
22 & 23 Geo. 5: c. 8	Import Duties Act, 1932	Pt. I. Power to remit or repay duty on certain goods. Sch. 1 am.	54, s. 6. S.I. Nos. 58, 536, 684, 990, 1040, 1097, 1339, 1433-4, 1632, 1787, 1799, 1863, 2005.
c. 16	Isle of Man (Customs) Act, 1932.	Pt. I excl. (U.N. films) Sch. 1 am.	S.I. No. 1160. S.I. No. 2039.
c. 25	Finance Act, 1932 ...	S. 5 (1) ext. S. 29. Pensions increase	S.I. No. 1633. 39, ss. 1, 13 (4), schs. 1, 2
c. 28	Public Health (Cleansing of Shell-fish) Act, 1932.	Rep. (S.)	30, s. 60 (2), sch. 3.
c. 37	Solicitors Act, 1932 ...	Saved (<i>prosp.</i>) Am. (Registrar) S. 1 rep. S. 3 (1) am. (<i>prosp.</i>) am. S. 3 (2) am. S. 6 (1) proviso rep. S. 7 (1) am. S. 8 am. S. 9 (ii) rep. in pt. S. 12 am. (<i>prosp.</i>) S. 13 (2) rep. in pt. Ss. 14-16, 18 (2), 19-21 rep. (<i>prosp.</i>). S. 22 saved (<i>prosp.</i>) am. (<i>prosp.</i>) Ss. 23, 25-34 rep. (<i>prosp.</i>) S. 35 saved (<i>prosp.</i>) S. 35 (1) am. S. 37 (1) am. S. 37 (3) subst. S. 38 (1) (c) am. excl. S. 38 (1) (j) subst. S. 41 (1) am. Pt. IV (ss. 43-55) expld.... S. 66 (5) mod. S. 72 am. S. 73 rep. in pt. (<i>prosp.</i>) S. 81 (1) rep. and superseded in pt. (definitions of "contentious business" and "non-contentious business"). Schs. 1, 2 rep. (<i>prosp.</i>) Sch. 3 rep.	41, s. 2 (3). 41, s. 3. 41, ss. 3, 19 (3), sch. 2 Pt. II. 41, s. 2 (4), sch. 1. 41, s. 4 (1). 41, s. 4 (1). 41, ss. 8 (4), 19 (3), sch. 2 Pt. II 41, s. 8 (3). 41, s. 8 (6). 41, ss. 10 (1), 19 (3), sch. 2 Pt. II. 41, s. 2 (4), sch. 1. 41, ss. 10 (3), 19 (3), sch. 2 Pt. II. 41, s. 2 (5), sch. 2 Pt. I. 41, s. 2 (1), proviso. 41, s. 2 (4), sch. 1. 41, s. 2 (5), sch. 2 Pt. I. 41, s. 2 (1), proviso. 41, s. 4 (2). 41, s. 5 (1). 41, s. 5 (2). 41, s. 5 (3). 41, s. 7 (3). 41, s. 5 (4). 41, s. 6 (1). 41, s. 7 (4). 41, s. 13 (3). 41, s. 14. 41, s. 2 (5), sch. 2 Pt. I. 41, ss. 13 (4), 19 (3), sch. 2 Pt. II. 41, s. 2 (5), sch. 2 Pt. I. 41, ss. 5 (5), 19 (3), sch. 2 Pt. II.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1956 Act or number of Measure or Statutory Instrument
22 & 23 Geo. 5: c. 41	Isle of Man (Customs) (No. 2) Act, 1932.	S. 9 cont.	S.I. No. 1160.
c. 53	Ottawa Agreements Act, 1932.	S. 2 (6) subst.	54, s. 4.
c. 55	Administration of Justice, Act, 1932.	S. 1 rep.	46, ss. 15 (3), 57 (2), sch. 2.
23 & 24 Geo. 5: c. 12	Children and Young Persons Act, 1933.	Ss. 2, 3 (2) (rep.) ... Ss. 15, 61 (1) (b) (iv) am. S. 78 (2) subst. S. 78 (4) am. S. 82 (1) am. S. 85 expld. S. 85 (1) am. S. 85 (2) subst. S. 85 (3) am. S. 87 (1) mod. S. 88 (4) (a) am. S. 99 (2) am. Sch. 1 am. rep. in pt. Sch. 4 para. 13 am. ...	69, s. 51, sch. 4. 69, s. 48, sch. 3. 24, s. 4 (1), sch. para. 1. 24, s. 4 (1), sch. para. 2. 24, s. 4 (1), sch. para. 3. 50, s. 5 (5). 24, s. 4 (1), sch. para. 4. 24, s. 4 (1), sch. para. 5. 24, s. 4 (1), sch. para. 6. 50, s. 5 (3) (a). 50, s. 5 (4). 69, s. 48, sch. 3. 69, s. 48, sch. 3. 69, s. 51, sch. 4. 24, s. 4 (1), sch. para. 7. 46, s. 51.
c. 13	Foreign Judgments (Reciprocal Enforcement) Act, 1933.	Pt. I (ss. 1-7). Power to mod. (E.) (N.I.).	
c. 14	London Passenger Transport Act, 1933.	S. 54 rep. S. 61 restr. S. 61 (7) rep.	67, s. 55 (3), sch. 9. 67, s. 51, sch. 8 para. 28. 67, s. 55 (3), sch. 9.
c. 24	Solicitors Act, 1933 ...	Sch. 12 am. Saved (<i>prosp.</i>) Am. (Registrar)	67, s. 49. 41, s. 2 (3). 41, s. 3.
c. 36	Administration of Justice (Miscellaneous Provisions) Act, 1933.	S. 6 saved	46, s. 15 (3).
c. 38	Summary Jurisdiction (Appeals) Act, 1933.	S. 2 appl. (mod.) S. 7 (8) rep. in pt.	44, s. 1 (2) (b). 34, s. 21 (3), sch. 3 Pt. II. 34, s. 18.
c. 40	Isle of Man (Customs) Act, 1933.	S. 8 (2) am. S. 4 cont. S. 10 (6) subst.	} S.I. No. 1160.
c. 51	Local Government Act, 1933.	Sanitary inspectors designated public health inspectors. S. 35 subst. (saving) (1.6.57). S. 41 ext. (1.6.57) ...		66, s. 1. 43, ss. 2 (1) (a), 7 (3), sch. 2 Pt. I. 43, s. 2 (1) (b), sch. 2 Pt. II.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1956 Act or number of Measure or Statutory Instrument
23 & 24 Geo. 5: c. 51— <i>cont.</i>	Local Government Act, 1933— <i>cont.</i>	S. 50 (2) saved ... am. (1.6.57) ...	43, s. 1 (3). 43, s. 2 (1) (a), sch. 2 Pt. I.
		S. 67 (1) am. (mode of computation of time.)	43, s. 6.
		S. 67 (3) mod. (1.6.57) ...	43, s. 2 (1) (b), sch. 2 Pt. II.
		S. 67 (4) (5) am. (1.6.57)	43, s. 2 (1) (a), sch. 2 Pt. I.
		S. 91 ext. ...	52, s. 31 (5).
		S. 250 appl. (mod.) ...	S.I. No. 1168.
		S. 250 (3)–(8) appl. (<i>prosp.</i>)	67, s. 15 (4).
		S. 252 appl. (mod.) ...	S.I. No. 1168.
		S. 290 (2) (3) appl.	52, s. 11 (6), sch. 1 para. 5.
		S. 290 (4) appl. ...	S.I. No. 1077, regs. 9 (9), 37, 42 (4).
		S. 290 (5) appl. ...	52, s. 11 (6), sch. 1, para. 5.
		Sch. 3 Pt. VI para. 5 (5) subst. (saving).	52, s. 11 (6), sch. 1 para. 5.
		Pt. I am. (licensing author- ity renamed).	S.I. No. 1077, regs. 9 (9), 37, 42 (4).
c. 53 ...	Road and Rail Traffic Act, 1933.	S. 1 (7) (k) am. ...	43, ss. 5 (1), 7 (2).
		S. 2 (5) rep. ...	67, s. 51, sch. 8 para. 40.
		S. 8 (1) rep. ...	67, s. 51, sch. 8 para. 29.
		S. 9 (2) excl. ...	67, ss. 43 (5), 55 (3), sch. 9.
		S. 9 (2) excl. ...	67, ss. 43 (3), 55 (3), sch. 9.
		S. 11 (2) am. ...	67, s. 43 (3).
		S. 12 (1) (a)–(c) appl. ...	67, s. 43 (2).
		S. 12 (3) expld. (British Trans. Commission).	67, s. 44 (3).
		S. 13 (1) am. ...	56, s. 9 (1).
		rep. in pt. ...	67, ss. 43 (1) (4), 44 (1).
		S. 13 (1) proviso restr. ...	67, s. 55 (3), sch. 9.
		S. 13 (3) am. ...	67, s. 44 (2).
		S. 16 ext. ...	67, s. 44 (1).
		S. 25 ext. ...	67, s. 51, sch. 8 para. 30.
		S. 26 (3) rep. ...	67, s. 51, sch. 8 para. 31.
		S. 29 (4) excl. (<i>prosp.</i>) (London Traffic Area).	67, ss. 51, 55 (3), schs. 8 para. 27, 9.
		am. (<i>prosp.</i>) ...	67, s. 33 (8).
		S. 29 (5) excl. (<i>prosp.</i>) (London Traffic Area).	67, s. 33 (9).
		S. 29 (6) ext. (<i>prosp.</i>) ...	67, s. 33 (8).
		excl. (<i>prosp.</i>) ... (London Traffic Area).	67, s. 33 (7).
			67, s. 33 (8).

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1956 Act or number of Measure or Statutory Instrument
23 & 24 Geo. 5: c. 53— <i>cont.</i>	Road and Rail Traffic Act, 1933— <i>cont.</i>	S. 30. Appointed day for coming into operation. S. 47 appl. (<i>prosp.</i>) ... appl.	67, s. 51, sch. 8 para. 32. 67, s. 19, sch. 3 para. 9. 67, s. 51, sch. 8 para. 34 (5).
24 & 25 Geo. 5: c. 30	Cotton Manufacturing Industry (Temporary Provisions) Act, 1934.	Ss. 1, 2 cont. until 31.12.57	4 (5 Eliz. 2), s. 1 (1).
c. 50	Road Traffic Act, 1934 ...	S. 1 made permanent ... S. 1 (1) mod. (<i>prosp.</i>) ... S. 1 (3) appl. (<i>prosp.</i>) ... S. 1 (4) expld. (<i>prosp.</i>) ... am. rep. in pt. (<i>prosp.</i>)	67, s. 4 (1). 67, s. 4 (3) (5). 67, s. 4 (6). 67, s. 4 (2). 67, s. 51, sch. 8 para. 33. 67, s. 55 (3), sch. 9. 67, ss. 51, 55 (3), schs. 8 para. 34 9. 67, s. 4 (6). 67, s. 55 (3), sch. 9. 67, s. 55 (3), sch. 9. 67, ss. 4 (1), 55 (3), sch. 9. 67, s. 55 (3), sch. 9. 67, ss. 16 (1), 55 (3), sch. 9. 67, s. 16 (3). 67, s. 16 (2). 67, s. 26 (4). 67, s. 51, sch. 8 para. 35. 67, s. 51, sch. 8 para. 36. 67, s. 7 (1). 67, s. 7 (2). 67, s. 7 (3). 67, s. 46 (3). 67, s. 46 (1). 67, s. 46 (2). 67, s. 46 (4). 67, s. 51, sch. 8 para. 7 (4). 67, s. 55 (3), sch. 9. 67, s. 51, sch. 8 para. 37. 67, s. 11 (1). 67, s. 55 (3), sch. 9.
c. 53	County Courts Act, 1934	Appl. Pt. VI (ss. 116–148) appl. S. 4 (1) am.	46, s. 41 (2). 46, s. 39. 46, s. 21 (3) (a).

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1956 Act or number of Measure or Statutory Instrument
24 & 25 Geo. 5: c. 53— <i>cont.</i>	County Courts Act, 1934 — <i>cont.</i>	<p>S. 4 (1) proviso para. (a) rep.</p> <p>S. 5 am.</p> <p>S. 9. Pensions increase...</p> <p>S. 11 (1) am.</p> <p>S. 15 (1) am.</p> <p>S. 17 am.</p> <p>Ss. 18 (2), 19 (2) am. ...</p> <p>S. 21 am.</p> <p>S. 21 (1) proviso rep. in pt.</p> <p>S. 21 (1) proviso saved...</p> <p>S. 25 (2) rep.</p> <p>S. 26 rep. in pt.</p> <p>S. 29 (4) rep. in pt. ...</p> <p>S. 30 excl.</p> <p>S. 31 am.</p> <p>S. 35 mod.</p> <p>S. 36 (2) restr.</p> <p>Ss. 40, 42 saved</p> <p>S. 55 expld.</p> <p>S. 56 (1)–(7) rep.</p> <p style="text-align: center;">superseded (Liverpool Court of Passage and county court).</p> <p>S. 58 (2) rep.</p> <p>S. 62 paras. (a) (b) am.</p> <p>S. 81 restr.</p> <p>S. 89 (3) proviso am. ...</p> <p>S. 96 (2) am.</p> <p>S. 99 (3) excl.</p> <p>S. 99 (5) am.</p> <p>S. 99 (8) rep. in pt. ...</p> <p>S. 116 ext.</p> <p>S. 117 (2) subst.</p> <p>S. 118 (1) am.</p> <p>S. 118 (2) am.</p> <p>S. 119 am.</p> <p>S. 121 appl.</p> <p style="padding-left: 2em;">am.</p> <p>S. 124 am.</p> <p>S. 127 (1) am.</p> <p>S. 128 (2) am.</p> <p>S. 136 rep.</p> <p>S. 139 am.</p> <p>S. 139 para. (i) rep. ...</p> <p>S. 152 proviso rep. ...</p>	<p>46, ss. 21 (3) (b), 57 (2), sch. 2.</p> <p>46, s. 21 (3) (c).</p> <p>39, ss. 1, 3 (2), 13 (4), schs. 1, 2, 4.</p> <p>46, s. 23.</p> <p>46, s. 22 (7).</p> <p>46, ss. 12 (7), 25 (3).</p> <p>46, s. 25 (3).</p> <p>46, s. 25 (2) (4).</p> <p>46, ss. 25 (1), 57 (2), sch. 2.</p> <p>46, s. 25 (4)</p> <p>46, ss. 24 (2), 57 (2), sch. 2.</p> <p>46, s. 57 (2), sch. 2.</p> <p>46, ss. 25 (1), 57 (2), sch. 2.</p> <p>46, s. 24 (1).</p> <p>46, s. 29.</p> <p>46, s. 22 (1).</p> <p>46, s. 22 (7).</p> <p>46, s. 2 (4).</p> <p>46, s. 2 (6).</p> <p>46, s. 57 (2), sch. 2.</p> <p>46, s. 7 (2).</p> <p>46, ss. 2 (5), 57 (2), sch. 2.</p> <p>46, s. 31 (1).</p> <p>46, s. 27 (1).</p> <p>46, s. 31 (4).</p> <p>46, s. 30.</p> <p>46, s. 2 (3).</p> <p>46, s. 32 (2).</p> <p>46, ss. 32 (1), 57 (2), sch. 2.</p> <p>46, s. 39.</p> <p>46, s. 28 (1).</p> <p>46, s. 28 (2) (a).</p> <p>46, s. 28 (2) (b).</p> <p>46, s. 30.</p> <p>46, s. 37 (4).</p> <p>46, s. 37 (1) (2).</p> <p>46, s. 29.</p> <p>46, ss. 28 (3), 57 (2), sch. 2.</p> <p>46, s. 28 (3).</p> <p>46, ss. 34 (3), 57 (2), sch. 2.</p> <p>46, s. 29 (1) (2).</p> <p>46, s. 57 (2), sch. 2.</p> <p>46, ss. 37 (4), 57 (2), sch. 2.</p>

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1956 Act or number of Measure or Statutory Instrument
24 & 25 Geo. 5: c. 53— <i>cont.</i>	County Courts Act, 1934 — <i>cont.</i>	S. 157 (1) rep. in pt. ... S. 164 (exc. subs. (4)) ext. S. 164 (1) rep. in pt. ... S. 167 ext. ... S. 175 ext. ... Sch. 1 Pt. II para. 4 am.	46, ss. 32 (3), 57 (2), sch. 2. 46, s. 26. 46, s. 57 (2), sch. 2. 46, s. 32 (4). 46, s. 31 (3). 46, s. 12 (7)
c. 58 ...	Betting and Lotteries Act, 1934.	S. 22 (2) am. ...	45, s. 5 (1).
25 & 26 Geo. 5: c. 23 ...	Superannuation Act, 1935	Mod. (former Governors of dominions). Appl. (traffic commis- sioners). Appl. (officers, etc., of Restrictive Practices Court). S. 14 am. (whole-time asst. registrars).	64, s. 10. 67, s. 51, sch. 8 para. 39. 68, s. 2 (5). 46, s. 25 (2).
c. 41 ...	Housing (Scotland) Act, 1935.	S. 34 (5) rep. (16.5.61) ...	60, s. 44, sch. 7 Pt. IV.
26 Geo. 5 & 1 Edw. 8:			
c. 18 ...	Sugar Industry (Reorgan- ization) Act, 1936.	Rep. ...	48, s. 32 (2).
c. 23 ...	Road Traffic (Driving Licences) Act, 1936.	S. 3 (1) subst. ...	67, s. 51, sch. 8 para. 38.
c. 25 ...	Pensions (Governors of Dominions, &c.) Act, 1936.	Pensions increase Expld. ... Ss. 1 (1) rep. in pt., 1 (4), 2 rep.	39, ss. 1, 3 (2), 13 (4), schs. 1, 2, 4. 64, s. 12 (2). 64, s. 14 (3), sch.
c. 35 ...	Solicitors Act, 1936 ...	Saved (E.) (<i>prosp.</i>) ... Am. (Registrar)... Ss. 1 (2), 2-4 rep. (<i>prosp.</i>) S. 5 (1) subst. (<i>prosp.</i>) ... S. 5 (2) rep. (<i>prosp.</i>) ... Ss. 6-8 rep. (<i>prosp.</i>) ... S. 9 (1) rep. in pt. ...	41, s. 2 (3). 41, s. 3. 41, s. 2 (5), sch. 2 Pt. I. 41, s. 2 (4), sch. 1. 41, s. 2 (5), sch. 2 Pt. I. 41, s. 2 (5), sch. 2 Pt. I. 41, ss. 10 (2), 19 (3), sch. 2 Pt. II.
c. 49 ...	Public Health Act, 1936	S. 12 am. ... Pt. I (ss. 1-13) appl. ... S. 3 cont. ... S. 64 (2) (i) am. ... Pt. III (ss. 91-110) appl. (<i>mod.</i>) (<i>prosp.</i>). S. 92 excl. ... Ss. 101-106 rep. ...	41, s. 8 (5). 52, s. 31 (1). S.I. No. 1160. 52, s. 10 (2). 52, s. 16 (1) (2). 52, s. 18 (2). 52, s. 35 (1) (3), sch. 4.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1956 Act or number of Measure or Statutory Instrument
26 Geo. 5 & 1 Edw. 8: c. 49— <i>cont.</i>	Public Health Act, 1936— <i>cont.</i>	S. 109 excl. (<i>prosp.</i>) ... S. 109 (2) rep. in pt. (<i>prosp.</i>).	52, s. 16 (1). 52, s. 35 (1), sch. 4.
c. 50	Public Health (London) Act, 1936.	S. 267 (4), proviso rep. (<i>prosp.</i>). Pt. XII (ss. 271-347) appl. (mod.) incorp. in pt. (mod.) ...	52, s. 35(1) sch. 4. 52, s. 12 (2), 31 (1), sch. 3 Pt. I. 52, s. 3 (1).
c. 50	Public Health (London) Act, 1936.	Pt. I (ss. 1-13) appl. (mod.). Pt. V (ss. 147-154) rep. (<i>prosp.</i>). Pt. XIV (ss. 273-309) appl. (mod.). S. 282 appl. appl. (mod.) S. 286 (as subst.) appl. (mod.).	52, s. 32 (2), sch. 3 Pt. II. 52, s. 35 (1) (3), sch. 4. 52, s. 32 (2), sch. 3 Pt. II. 52, s. 32 (4). 52, s. 32 (5). 52, s. 32 (3).
c. 51	Housing Act, 1936 ...	S. 304 rep. in pt. (definitions of "notifiable infectious disease" and "dangerous infectious disease"). Sch. 5 ext. (<i>prosp.</i>) ext. appl. (mod.) Sch. 5 paras. 1, 6, 12, 14 rep. in pt. (<i>prosp.</i>). S. 15 appl.	lxxvii, s. 61. 52, s. 16 (1). 52, s. 32 (4). 52, s. 32 (5). 52, s. 35 (1), sch. 4. 57, s. 3 (3).
c. 51	Housing Act, 1936 ...	Pt. III appl. (compensation provisions). S. 42 restr. S. 42 (2) (b). Power to am. S. 42 (2) (b) am. (<i>retrosp.</i>) S. 86 rep. in pt. S. 89 (2) (3) ext. S. 94 (3) excl. S. 94 (3) proviso ext. S. 94 (4) ext. S. 114 rep. S. 129 saved Ss. 169 (3), 172 (2) ext. S. 188 (1) ext. (definition of "Housing Acts") ext. (definition of "Exchequer contribution").	57, ss. 1 (3), 2 (2). 57, s. 3 (4). 57, s. 3 (1). S.I. No. 1710. 33, s. 12 (4), sch. 3 Pt. I. 33, s. 12 (3), sch. 1 para. 3. 33, s. 1 (3). 33, s. 12 (3), sch. 1 para. 4. 33, s. 12 (3), sch. 1 para. 4. 33, s. 12 (4), sch. 3 Pt. I. 33, s. 8 (1). 33, s. 12 (3), sch. 1 para. 3. 33, s. 12 (3), sch. 1 para. 1. 33, s. 12 (3), sch. 1 para. 2.
c. 52	Private Legislation Procedure (Scotland) Act, 1936.	Sch. 8 paras. 1-7, 9 rep. } Sch. 10 paras. 2, 3 rep. } Applicable by direction...	33, s. 12 (4), sch. 3 Pt. I. 30, s. 59 (3), sch. 1 para. 7 (1).

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1956 Act or number of Measure or Statutory Instrument
1 Edw. 8 & 1 Geo. 6: c. 5	Trunk Roads Act, 1936...	Sch. 2 rep. (<i>prosp.</i>) so far as the modification of s. 47 of the Road Traffic Act, 1930 (20 & 21 Geo. 5, c. 43) relates to s. 47 (8). Sch. 3 Pt. I rep. (<i>prosp.</i>) so far as relating to s. 1 (5) of the Road Traffic Act, 1934 (24 & 25 Geo. 5, c. 50).	67, s. 55 (3), sch. 9.
c. 12	Firearms Act, 1937 ...	Sch. 3 am. rep. in pt.	
c. 28	Harbours, Piers and Ferries (Scotland) Act, 1937.	S. 18 (2) rep. in pt. (16.5.57).	69, s. 48, sch. 3. 69, s. 51, sch. 4. 60, s. 44, sch. 7 Pt. III.
c. 35	Statutory Salaries Act, 1937.	S. 2 (1) rep. in pt.	73, s. 3 (2), sch. Pt. 1.
c. 37	Children and Young Persons (Scotland) Act, 1937.	S. 82 (2) subst. S. 82 (4) am. S. 86 (1) am. S. 89 expld. S. 89 (1) am. S. 89 (2) subst. S. 89 (3) am. S. 91 mod. S. 101 (4) rep. (16.5.57)...	24, s. 4 (1), sch. para. 8. 24, s. 4 (1), sch. para. 9. 24, s. 4 (1), sch. para. 10. 50, s. 5 (5). 24, s. 4 (1), sch. para. 11. 24, s. 4 (1), sch. para. 12. 24, s. 4 (1), sch. para. 13. 50, s. 5 (3) (a). 60, s. 44, sch. 7 Pt. III.
c. 44	Road Traffic Act, 1937...	Sch. 2 para. 13 am. S. 1 rep.	24, s. 4 (1), sch. para. 14. 67, s. 55 (3), sch. 9.
c. 47	Teachers (Superannuation) Act, 1937.	Power to apply in pt. (mod.). S. 1 ext. S. 1. Power to mod. S. 1 (2) am. S. 2 (1) am. S. 2 (1) (a) rep. in pt. and am. S. 2 (3) rep. S. 7 rep. (16.5.57)	53, s. 18 (5). 53, s. 9 (1)-(3). 53, s. 10 (4), sch. 1. 53, s. 9 (4). 53, s. 2 (3) (4). 53, s. 17. 53, s. 2 (4). 60, s. 44, sch. 7 Pt. III.
c. 48	Methylated Spirits (Sale by Retail) (Scotland) Act, 1937.	S. 2 rep.	67, ss. 51, 55 (3), schs. 8 para. 39, 9.
c. 52	Chairman of Traffic Commissioners, &c. (Tenure of Office) Act, 1937.	S. 19 (1) am. S. 22 (2) excl.	54, s. 29 (1) (a). 54, s. 30 (3).
c. 54	Finance Act, 1937 ...	S. 3 cont.	S.I. No. 1160.
c. 64	Isle of Man (Customs) Act, 1937.		

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1956 Act or number of Measure or Statutory Instrument
1 Edw. 8 & 1 Geo. 6:			
c. 67 ...	Factories Act, 1937 ...	Power to excl. ... S. 157 (1), sch. 3 Pt. 1 rep. (S.).	49, s. 19 (1). 30, s. 60 (2), sch. 3.
c. 68 ...	Local Government Superannuation Act, 1937.	S. 17. Power to mod....	53, s. 10 (4), sch. 1.
c. 69 ...	Local Government Superannuation (Scotland) Act, 1937.	Am. (police) ...	26, s. 17 (7).
C.A.M. No. 2	House of Laity (Co-opted Members) Measure, 1937.	Rep. ...	C.A.M. No. 2, s. 2 (2).
1 & 2 Geo. 6:			
c. 12 ...	Population (Statistics) Act, 1938.	Cont. as amd. until 31.12.57.	4 (5 Eliz 2), s. 1 (1).
c. 16 ...	Housing (Financial Provisions) Act, 1938.	S. 3 (1) am. ... S. 6 rep. ...	33, s. 7. 33, s. 12 (4), sch. 3 Pt. I.
c. 31 ...	Scottish Land Court Act, 1938.	S. 1 (3). Pensions increase	39, ss. 1, 3 (2), 13 (4), schs. 1, 2, 4.
c. 46 ...	Finance Act, 1938 ...	S. 47 ext. ...	54, s. 41.
c. 52 ...	Coal Act, 1938 ...	S. 45 (16) rep. in pt. (16.5.61).	60, s. 44, sch. 7 Pt. IV.
c. 56 ...	Food and Drugs Act, 1938.	Rep. (S.)... ..	30, s. 60 (2), sch. 3.
c. 63 ...	Administration of Justice (Miscellaneous Provisions) Act, 1938.	S. 2 am.	34, ss. 12, 21 (3), sch. 3 Pt. II.
c. 66 ...	Rating and Valuation (Air-raid Works) (Scotland) Act, 1938.	Sch. 1 para. 5 subst. ... S. 1 (2) rep. (16.5.61) ...	69, s. 48, sch. 3. 60, s. 44, sch. 7 Pt. IV.
c. 68 ...	Isle of Man (Customs) Act, 1938.	S. 3 am.	S.I. No. 2039.
2 & 3 Geo. 6:			
c. 23 ...	Public Health (Coal Mine Refuse) (Scotland) Act, 1939.	Rep.	52, s. 35 (1), sch. 4.
c. 31 ...	Civil Defence Act, 1939	S. 34 (1) rep. in pt. (E.)	33, s. 12 (4), sch. 3, Pt. I.
		Ss. 36 (2) (b), 37 in pt., rep. (S. of Scotland Board), 39 (1) (2) re-enacted (mod.).	S.I. No. 409.
		S. 58 revived (S.) ...	S.I. No. 463, reg. 5.
		revived (E.) ...	S.I. No. 480, reg. 5.
		S. 58 (3) rep. (S.) ...	S.I. No. 463, reg. 6.
		rep. (E.) ...	S.I. No. 480, reg. 6.
		S. 58 (7) am. (S.) ...	S.I. No. 463, reg. 7.
		am. (E.) ...	S.I. No. 480, reg. 7.
		Ss. 76-80 appl. ...	S.I. No. 409.
		S. 90 (1) mod. (S.) (" fire authority ").	S.I. No. 463, reg. 8.
		mod. (E.) (" fire authority ").	S.I. No. 480, reg. 8.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1956 Act or number off Measur; or Statutory Instrument
2 & 3 Geo. 6: c. 31— <i>cont.</i>	Civil Defence Act, 1939 — <i>cont.</i>	S. 91 (28) appl. S. 91 (30) mod. ("fire authority").	S.I. No. 409. S.I. No. 463, reg. 8. 66, s. 1.
c. 40	London Government Act, 1939.	Sanitary inspectors designated public health inspectors. S. 42 (1) am. (mode of computation of time).	43, s. 6.
c. 49	House of Commons Members' Fund Act, 1939.	Sch. 1 paras. 1, 2, 2A am. by resolution.	S.I. No. 1668.
c. 58	Public Health (Coal Mine Refuse) Act, 1939.	Rep.	52, s. 35 (1), sch. 4.
c. 95	Teachers Superannuation (War Service) Act, 1939.	Power to apply in pt. (mod.).	53, s. 18 (5).
c. 96	Education (Scotland) (War Service Superannuation) Act, 1939.	S. 3 am.	53, s. 37.
c. 110... ..	Solicitors (Disciplinary Committee) Act, 1939.	S. 2 rep.	41, ss. 8 (4), 19 (3), sch. 2 Pt. II.
c. 117... ..	National Loans Act, 1939	Appl. Am.	{ 48, s. 5 (3). 54, s. 42 (5). 54, s. 43.
3 & 4 Geo. 6: c. 15	Solicitors (Emergency Provisions) Act, 1940.	Ss. 1, 3, 4 rep. (<i>prosp.</i>), 8 rep. in pt. (definitions of "Principal Act", "Solicitor", "Law Society", "Articles") (<i>prosp.</i>).	41, s. 2 (5), sch. 2 Pt. I.
c. 29	Finance Act, 1940 ...	S. 43 ext.	54, s. 32 (7).
c. 48	Finance (No. 2) Act, 1940	S. 31 (1) (2) appl. (mod.) (<i>retrosp.</i>). S. 35 appl. (<i>retrosp.</i>) ...	54, s. 7 (8) (13). 54, s. 7 (7) (13).
4 & 5 Geo. 6: c. 13	Land Drainage (Scotland) Act, 1941.	S. 1 (9) am. (16.5.61) ...	60, s. 38.
c. 42	Pharmacy and Medicines Act, 1941.	Ss. 11, 12 expld. (British Pharmacopoeia). S. 18 (d) added.... ..	76, ss. 47 (6), 57 (9). 30, s. 60 (1), sch. 2.
c. 46	Solicitors Act, 1941 ...	Saved (<i>prosp.</i>) Am. (Registrar)... .. S. 2 (3) am. S. 3 (1) am. S. 3 (4) am. S. 3 (7) rep. in pt. S. 4 (3), proviso (a) subst. S. 4 (3), proviso (b) rep. S. 6 rep. S. 8 rep.	41, s. 2 (3). 41, s. 3. 41, s. 1. 41, s. 15 (2). 41, s. 15 (3). 41, ss. 15 (4), 19 (3), sch. 2 Pt. II. 41, s. 15 (1). 41, ss. 3, 19 (3), sch. 2 Pt. II. 41, ss. 5 (5), 19 (3), sch. 2 Pt. II. 41, s. 19 (3), sch. 2 Pt. II.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1956 Act or number of Measure or Statutory Instrument
4 & 5 Geo. 6: c. 46— <i>cont.</i>	Solicitors Act, 1941— <i>cont.</i>	S. 11 expld. S. 12 (2) (3) appl. Ss. 14 (1) rep. in pt. (prosp.). 14 (3) rep. (prosp.) 14 (4) rep. in pt. (prosp.). 15 rep. (prosp.) S. 16 (1) (a) subst. S. 16 (7) am. S. 16 (11) added Ss. 25, 26 rep. (prosp.) S. 29. Definition of "Registrar" expld. Sch. 1 paras. 4, 5 ext. Sch. 1 para. 6 am. ext. Sch. 2 rep. Sch. 3 rep. so far as reproducing s. 37 (3) of 22 & 23 G. 5. c. 37.	41, s. 7 (4). 41, s. 7 (2). 41, s. 2 (5), sch. 2 Pt. I. 41, s. 11 (1). 41, s. 8 (6). 41, s. 11 (2). 41, s. 2 (5), sch. 2 Pt. I. 41, s. 3. 41, s. 9 (1). 41, s. 8 (6). 41, s. 9 (1). 41, ss. 5 (5), 19 (3), sch. 2 Pt. II. 41, s. 19 (3), sch. 2 Pt. II.
5 & 6 Geo. 6: c. 16	Sugar Industry Act, 1942	Rep.	48, s. 32 (2).
6 & 7 Geo. 6: c. 7	Crown Lands Act, 1943	Rep.	73, ss. 1 (2), 3 (2), sch. Pt. I.
c. 32	Hydro-Electric Development (Scotland) Act, 1943.	S. 13 appl. (mod.)	54, s. 42.
c. 35	Foreign Service Act, 1943	Pt. I. Pensions increase Pt. I mod. (former Governors of dominions). appl. (traffic commissioners). appl. (officers, etc., of Restrictive Practices Court).	39, ss. 1, 13 (4), schs. 1, 2. 64, s. 10. 67, s. 51, sch. 8 para. 39. 68, s. 2 (5).
c. 44	Rent of Furnished Houses Control (Scotland) Act, 1943.	Cont. as amd. until 31.3.58.	4 (5 Eliz. 2), s. 1 (2).
7 & 8 Geo. 6: c. 9	Supreme Court of Judicature (Amendment) Act, 1944.	S. 1 (1) (2) am.	68, s. 32 (1).
c. 21	Pensions (Increase) Act, 1944.	Pensions increase S. 1. Pensions increase Expld. (meaning of "dependant"). S. 1 (1) proviso rep.	39, ss. 1, 3, 6 (2), 9 (3), 13 (3) (4), schs. 1, 2, 4. 39, ss. 3, 13 (3) (4). 39, ss. 5 (1), 13 (3) (4). 39, s. 13 (2)—(4), sch. 5.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1956 Act or number of Measure or Statutory Instrument
7 & 8 Geo. 6: c. 21— <i>cont.</i>	Pensions (Increase) Act, 1944— <i>cont.</i>	S. 1 (2)–(4) appl. (mod.) S. 1 (5) rep. S. 1 (6) appl. (mod.) S. 3 (1) rep. S. 3 (2) mod. S. 3 (4) rep. in pt., 3 (5) (d) rep. S. 4. Pensions increase S. 4 ext. (mod.) S. 5 (2) am. (<i>retrosp.</i>) S. 8 (1) (b). Pensions increase. S. 8 (2) rep. Sch. 1 Pt. I ext. Sch. 1 Pt. II ext. Sch. 1 Pt. II para. 1. Pensions increase. Sch. 1 Pt. II para. 1A added (<i>retrosp.</i>). Sch. 2 para. 2 rep. in pt. Sch. 2 para. 2. Power to mod. Sch. 2 para. 3 rep. Sch. 2 paras. 4–6 rep. Sch. 2 para. 7 subst. (<i>retrosp.</i>). S. 1 excl. (S.)	39, ss. 1 (2) (3), 13 (3) (4). 39, ss. 5 (1), 13 (2)–(4), sch. 5. 39, ss. 1 (2), 13 (3) (4). 39, s. 13 (2)–(4), sch. 5. 39, ss. 3 (3), 13 (3) (4). 39, s. 13 (2)–(4) sch. 5. 39, ss. 1, 9 (2), 13 (3) (4), schs. 1, 2. 39, ss. 8 (1) (a), 13 (3) (4). 39, ss. 5 (2), 13 (3) (4). 39, ss. 1, 9 (2), 13 (3) (4), schs. 1, 2. 39, s. 13 (2)–(4) sch. 5. 39, ss. 3 (2), 13 (3) (4), sch. 4 Pt. I. 39, ss. 3 (2), 9 (2), 13 (3) (4), sch. 4 Pt. III. 39, ss. 1, 9 (2), 13 (3) (4), schs. 1, 2. 39, ss. 5 (2), 13 (3) (4). 39, s. 13 (2)–(4), sch. 5. 53, s. 10 (4), sch. 1. 39, s. 13 (2)–(4), sch. 5. 39, s. 13 (2)–(4), sch. 5. 39, ss. 5 (3), 13 (3) (4). 60, s. 6 (4) (a).
c. 36	Housing (Temporary Accommodation) Act, 1944.	S. 1 excl. (S.)	60, s. 6 (4) (a).
8 & 9 Geo. 6: c. 11	Police (His Majesty's Inspectors of Con- stabulary) Act, 1945.	Rep. (S.)... ..	26, s. 38 (1), sch. 3.
c. 14	Teachers (Superannua- tion) Act, 1945.	Power to apply in pt. (mod.) S. 1 am. (<i>prosp.</i>) S. 3 expid. S. 7 rep. S. 10 rep. (<i>retrosp.</i>) S. 13 am.	53, s. 18 (5). 53, s. 15 (1) (2). 53, s. 15 (2). 53, s. 11 (4). 53, s. 3 (4). 53, s. 6 (1).

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1956 Act or number of Measure or Statutory Instrument
8 & 9 Geo. 6: c. 41	Family Allowances Act, 1945.	S. 1 am. S. 2 (1) (b) subst. S. 7 (2) saved S. 11 (2) restr. S. 25 rep. (except N.I.) Sch. 3 s. 94 appl.	50, s. 1 (1). 50, s. 1 (2). S.I. No. 1346. 50, s. 5 (3) (b). 50, s. 4 (2). S.I. No. 881, art. 6.
c. 42	Water Act, 1945 ...		
9 & 10 Geo. 6: c. 10	Supplies and Services (Transitional Powers) Act, 1945.	Cont. until 10.12.1957 ...	S.I. No. 1882.
c. 13	Finance (No. 2) Act, 1945	S. 60. Pensions increase	39, ss. 1, 13 (4), schs. 1, 2.
c. 15	Public Health (Scotland) Act, 1945.	S. 1 (1) am.	30, s. 23.
c. 17	Police (Overseas Service) Act, 1945.	Pensions increase ...	39, ss. 1, 13 (4), schs. 1, 2.
c. 18	Statutory Orders (Special Procedure) Act, 1945.	S. 2 mod. (S.) S. 2 as read with s. 10 appl.	26, s. 23 (1) (2). 30, s. 59 (3), sch. 1 para. 7 (1).
c. 26	Emergency Laws (Transitional Provisions) Act, 1946.	Ss. 3 (1), 6, 18 cont. until 10.12.57. Sch. 2 rep. so far as amending s. 4 of the Special Constables Act, 1923.	S.I. No. 1883. 26, s. 38 (1), sch. 3.
c. 31	Ministers of the Crown (Transfer of Functions) Act, 1946.	Am. (meaning of "Ministers of the Crown"). S. 8 (2) am.	58, s. 1 (2). 28, s. 1 (7).
c. 34	Furnished Houses (Rent Control) Act, 1946.	Cont. as amd. until 31.3.58.	4 (5 Eliz. 2.) s. 1 (2).
c. 36	Statutory Instruments Act, 1946.	Appl. Power to apply Appl. (E.)	{ 29, s. 34 (1). 68, s. 19 (3). 63, s. 1 (2) (f). 41, s. 17 (4).
c. 42	Water (Scotland) Act, 1946.	S. 37 (3) rep. in pt. (16.5.61). Sch. 4 Pt. III. s. 10 (3)-(5) incorp. (mod.).	60, s. 44, sch. 7 Pt. IV. S.I. No. 2109.
c. 46	Police Act, 1946 ...	S. 20 (2) rep. in pt., sch. 2 para. 5 rep.	26, s. 38 (1), sch. 3.
c. 48	Housing (Financial and Miscellaneous Provisions) Act, 1946.	S. 1 excl.... .. S. 5 rep. S. 6 rep. in pt. ext. S. 7 rep. (saving) S. 8 ext. S. 10 (2) rep. in pt. S. 14 ext. S. 15 (1) ext.	33, s. 1 (3). 33, s. 12 (4), sch. 3 Pt. I. 33, s. 12 (4), sch. 3 Pt. I. 33, ss. 4 (3), 12 (3), sch. 1 para. 5. 33, s. 12 (4), sch. 3 Pt. I. 33, ss. 4 (2), 12 (3), sch. 1 para. 6. 33, s. 12 (4), sch. 3 Pt. I. 33, s. 12 (3), sch. 1 para. 7. 33, s. 12 (3), sch. 1 para. 8.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1956 Act or number of Measure or Statutory Instrument
9 & 10 Geo. 6: c. 48— <i>cont.</i>	Housing (Financial and Miscellaneous Provisions) Act, 1946— <i>cont.</i>	S. 16 superseded. ... S. 19 (1) (3) ext. ... S. 22 (2) rep. in pt. ... S. 22 (4) rep. in pt. ... Sch. 1 Pts. II, III rep. in pt., sch. 3 para. 5 rep.	33, s. 2 (4). 33, s. 12 (3), sch. 1 para. 9. 33, s. 12 (4), sch. 3 Pt. I. 33, s. 12 (4), sch. 3 Pt. II. 33, s. 12 (4), sch. 3 Pt. I.
c. 49 ...	Acquisition of Land (Authorisation Procedure) Act, 1946.	Mod. (London underground works).	59, ss. 2 (1), 6 (6).
c. 59 ...	Coal Industry Nationalisation Act, 1946.	S. 26 (1) proviso subst.... S. 63 (1) rep. in pt. (definition of financial year of the National Coal Board).	61, s. 1. 61, s. 2.
c. 60 ...	Superannuation Act, 1946	Mod. (former Governors of dominions). Appl. (traffic commissioners). Appl. (officers, etc., of Restrictive Practices Court). S. 1 expld. ... S. 5 (3) am. ...	64, s. 10. 67, s. 51, sch. 8 para. 39. 68, s. 2 (5). S.I. No. 1855. 39, ss. 8 (1) (b), 13 (4).
c. 62 ...	National Insurance (Industrial Injuries) Act, 1946.	Appl. (mod). ... Pt. III. Power to apply S. 19 (3) am. ... S. 19 (3) (d) added ... appl. ... S. 19 (3) (e) added ... S. 21 (1) am. ... S. 21 (2) (c) (d) added ... S. 27. Power to apply S. 28 (1) appl. ... S. 36 (1) (b) (iii) added ... S. 59 am. ... Ss. 60, 70, 86 (1) appl. ... S. 88 (4) (b) am. ...	S.I. No. 1897 51, s. 3 (1) (a). 50, s. 2 (1), sch. para. 9 (b). 50, s. 2 (1), sch. para. 9 (a). S.I. No. 1188. 50, s. 2 (1), sch. para. 9 (a). 50, s. 2 (1), sch. para. 10. 50, s. 2 (1), sch. para. 11. 51, s. 3 (1) (b). 51, s. 6, sch. 50, s. 2 (1), sch. para. 12. 51, s. 6. 51, s. 6, sch. 50, s. 2 (1), sch. para. 13. 50, s. 2 (1), sch. para. 14.
c. 64 ...	Finance Act, 1946	S. 62 (2). Pensions increase.	39, s. 1, 13 (4), schs. 1, 2.
c. 67 ...	National Insurance Act, 1946.	Appl. (mod.) (N.Z.) ... Appl. (mod.) (Malta) ... S. 17 (1) (b) subst. ... S. 17 (1) (c) am. ... S. 17 (2) (b) am. ... S. 17 (3) am. ... S. 17 (3). Power to am.	S.I. No. 88. S.I. No. 1897. 50, s. 2 (1), sch. para. 1. 50, s. 2 (2). 50, s. 2 (1), sch. para. 2. 47, s. 1 (2). 47, s. 2.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1956 Act or number of Measur; or Statutory Instrument
9 & 10 Geo. 6: c. 67— <i>cont.</i>	National Insurance Act, 1946— <i>cont.</i>	<p>S. 17 (3) proviso subst. ...</p> <p>S. 18 (1) (a) am. (saving) (<i>prosp.</i>)</p> <p>S. 18 (1) (b) am. ...</p> <p>S. 18 (2) rep. ...</p> <p>S. 18 (3) superseded ...</p> <p>S. 18 (4) am. ...</p> <p>S. 20 (5) am. ...</p> <p>S. 20 (5). Power to am. ...</p> <p>S. 21 (1) (b) am. ...</p> <p>S. 21 (6) expld. ...</p> <p>S. 23 (1) am. ...</p> <p>S. 43 (2) (c) added ...</p> <p>S. 48 am. ...</p> <p>S. 59 (1) rep. in pt. ...</p> <p>S. 59 (3) (c) added ...</p> <p>S. 64 am. ...</p> <p>S. 67. Pensions increase</p> <p>S. 69 (4) saved and ext. (E.)</p> <p>ext. (S.) ...</p> <p>S. 75 (1)–(3) am. ...</p> <p>S. 77 excl. (<i>temp.</i>) ...</p> <p>S. 78 (3) am. ...</p> <p>Sch. 2 Pt. I para. 4 am. ...</p> <p>Sch. 2 Pt. I para. 5 subst.</p>	<p>50, s. 2 (1), sch. para. 3.</p> <p>50, s. 2 (5).</p> <p>50, s. 2 (2).</p> <p>50, s. 2 (1), sch. para. 4.</p> <p>50, s. 2 (6).</p> <p>50, s. 2 (2).</p> <p>47, s. 1 (1).</p> <p>47, s. 2.</p> <p>50, s. 2 (3).</p> <p>50, s. 2 (4).</p> <p>50, s. 2 (1), sch. para. 5.</p> <p>50, s. 2 (1), sch. para. 6.</p> <p>51, s. 6, sch.</p> <p>50, s. 2 (6).</p> <p>50, s. 2 (6).</p> <p>50, s. 4 (1).</p> <p>39, ss. 1, 13 (4), schs. 1, 2.</p> <p>53, s. 24.</p> <p>53, s. 29 (2).</p> <p>50, s. 4 (1).</p> <p>50, s. 6 (7).</p> <p>50, s. 2 (1), sch. para. 7.</p> <p>50, s. 2 (1), sch. para. 8 (a).</p> <p>50, s. 2 (1), sch. para. 8 (b).</p> <p>33, s. 1 (3).</p> <p>33, s. 12 (3), sch. 1 para. 10.</p> <p>26, s. 38 (1), sch. 3.</p> <p>75, s. 2.</p> <p>75, s. 13 (1), sch. 1 Pt. I.</p> <p>75, s. 3 (5).</p> <p>75, s. 3 (1).</p> <p>75, s. 13 (1), sch. 1 Pt. I.</p> <p>75, s. 3 (5).</p> <p>75, s. 3 (2).</p> <p>75, s. 3 (2) (3).</p> <p>75, s. 3 (2).</p> <p>75, s. 13 (1), sch. 1 Pt. 1.</p> <p>75, s. 3 (2).</p> <p>75, s. 13 (1), sch. 1 Pt. I.</p> <p>75, s. 3 (2).</p> <p>75, s. 3 (1).</p> <p>75, s. 3 (5).</p> <p>75, s. 3 (6).</p> <p>75, s. 4.</p>
c. 68 ...	New Towns Act, 1946 ...	<p>S. 8 (2) excl. ...</p> <p>S. 8 (3) ext. ...</p>	<p>33, s. 1 (3).</p> <p>33, s. 12 (3), sch. 1 para. 10.</p>
c. 71 ...	Police (Scotland) Act, 1946.	Rep. ...	26, s. 38 (1), sch. 3.
c. 72 ...	Education (Scotland) Act, 1946.	<p>S. 7 (1) subst. ...</p> <p>Ss. 17 (6) added, 22 (1) (b) am.</p> <p>S. 35 saved in pt. ...</p> <p>S. 35 (2) ext. ...</p> <p>am. ...</p> <p>S. 36 saved in pt. ...</p> <p>S. 36 (2) appl. in pt., 36 (3) (4) appl.</p> <p>S. 36 (5) appl. ...</p> <p>S. 36 (6) appl. ...</p> <p>am. ...</p> <p>S. 36 (7) appl. ...</p> <p>rep. in pt. ...</p> <p>S. 36 (8) appl. ...</p> <p>S. 38 ext. ...</p> <p>S. 38 (2) saved and appl.</p> <p>S. 38 (4) appl. ...</p> <p>S. 43 (3A) added ...</p>	<p>75, s. 2.</p> <p>75, s. 13 (1), sch. 1 Pt. I.</p> <p>75, s. 3 (5).</p> <p>75, s. 3 (1).</p> <p>75, s. 13 (1), sch. 1 Pt. I.</p> <p>75, s. 3 (5).</p> <p>75, s. 3 (2).</p> <p>75, s. 3 (2) (3).</p> <p>75, s. 3 (2).</p> <p>75, s. 13 (1), sch. 1 Pt. 1.</p> <p>75, s. 3 (2).</p> <p>75, s. 13 (1), sch. 1 Pt. I.</p> <p>75, s. 3 (2).</p> <p>75, s. 3 (1).</p> <p>75, s. 3 (5).</p> <p>75, s. 3 (6).</p> <p>75, s. 4.</p>

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1956 Act or number of Measure or Statutory Instrument
9 & 10 Geo. 6: c. 72— <i>cont.</i>	Education (Scotland) Act, 1946— <i>cont.</i>	<p>S. 45 subst. 75, s. 5. S. 51 (4)–(7) am. 75, s. 6 (2). S. 62 rep. 75, ss. 7, 13 (2), sch. 2. S. 70 para. (10) am. 75, s. 13 (1), sch. 1 Pt. I. S. 75 subst. 75, s. 8. S. 77 subst. 75, s. 9. S. 79 (1A) added 75, s. 13 (1), sch. 1 Pt. I. S. 81 restr. 53, s. 27. S. 88 rep. in pt., 88 (2) added. 75, s. 13 (1), sch. 1 Pt. I. Pt. IV (ss. 99–108). Pen- sions increase. 39, ss. 1, 13 (4), schs. 1, 2. S. 100 (2) am. 53, s. 28. S. 101 subst. 75, s. 10. S. 103 subst. 53, s. 29 (1). S. 106 subst. 53, s. 30. S. 107 subst. 53, s. 31. S. 108 (1) am. 53, s. 32. rep. in pt. 75, s. 13 (1), sch. 1 Pt. I. Ss. 109 (1) (a) subst., 116 (1) (d) am., 116 (5) rep. in pt., 117 (1) am., 117 (3) rep. in pt. S. 122 subst. 75, s. 11 (1). S. 123 (2) rep. in pt., 123 (5) rep. in pt. and am. 75, s. 13 (1), sch. 1 Pt. I. S. 124 subst. 75, s. 12 (1). S. 134 (1) am. 75, s. 13 (1), sch. 1 Pt. I. S. 143 (1) am. (definitions of “Central Institu- tion” and “Grant- aided school”). 75, s. 13 (1), sch. 1 Pt. I. Sch. 3 Pt. I: para. 2 (1) am. 53, s. 33 (1). para. 2 (8) subst. 53, s. 33 (2). para. 2 (10) subst. 53, s. 33 (3). Sch. 3 Pt. II: paras. 3A, 3B, 3C added paras. 9 rep., 9A added Sch. 3 Pt. III para. 1 rep. Sch. 4 para. 2 (a) subst. 53, s. 35. Sch. 4 para. 2 (a) subst. 53, s. 36. Sch. 6 rep. 75, s. 13 (2), sch. 2.</p>	
c. 73	Hill Farming Act, 1946...	<p>S. 1 (1) am. 72, s. 1 (1). S. 2 (4) am. 72, s. 1 (2). S. 13 (1) (b), (2) am. 72, s. 2. S. 2 appl. and am. 65, s. 2.</p>	
c. 75	Public Works Loans (No. 2) Act, 1946.	S. 1 am.	S.I. No. 1855.
c. 77	Association of County Councils (Scotland) Act, 1946.	S. 1 am.	S.I. No. 1855.
c. 78	Supreme Court of Judica- ture (Circuit Officers) Act, 1946.	S. 1 appl.	34, s. 5 (3).

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1956 Act or number of Measure or Statutory Instrument
9 & 10 Geo. 6: c. 81	National Health Service Act, 1946.	Ss. 6, 67, 68. Pensions increase.	39, ss. 1, 13 (4), schs. 1, 2.
10 & 11 Geo. 6: c. 7	Pensions (Increase) Act, 1947.	Pensions increase ...	39, ss. 3 (2), 6 (2), 9 (3), 13 (3) (4), sch. 4.
		Ss. 1 (1) rep., 1 (2) rep. in pt., 2 (2), 4 rep.	39, s. 13 (2)-(4), sch. 5.
		S. 5 ext. (mod.)	39, ss. 8 (1) (c), 13 (4).
c. 27	National Health Service (Scotland) Act, 1947.	Ss. 6, 66, 67. Pensions increase.	39, ss. 1, 13 (4), schs. 1, 2.
c. 29	Penicillin Act, 1947 ...	Rep.	25, s. 18 (1), sch. 2.
c. 35	Finance Act, 1947 ...	S. 3 am. (<i>retrosp.</i>) ...	54, s. 1, sch. 1.
		S. 5 (2) rep.	S.I. No. 1633.
		S. 30 (1) am.	54, s. 29 (1) (a).
		S. 30 (2) am.	54, s. 29 (1) (b).
		S. 30 (3) am.	54, s. 29 (2).
		S. 31 (2) (3) mod. ...	54, s. 30 (3).
		S. 35 (1) ext.	54, s. 31 (4) (6).
		S. 36 (1) proviso mod. ...	54, s. 31 (1) (2) (7).
		S. 36 (3) am.	54, s. 29 (1) (b), (3), sch. 4 para. 3.
		S. 36 (4) am. (<i>temp.</i>) ...	54, s. 29 (3), sch. 4 para. 2.
		S. 38 (1) excl.	54, s. 30 (3).
		S. 38 (2) am. (<i>temp.</i>) ...	54, s. 29 (3), sch. 4 para. 2.
		mod. (<i>temp.</i>) ...	54, s. 30 (4) (8).
		S. 52 mod.	54, s. 37.
		Sch. 1 replaced (<i>retrosp.</i>)	54, s. 1, sch. 1.
		Sch. 2 Pt. I rep.	S.I. No. 1633.
		Sch. 8 Pt. I para. 1 (1) am.	54, s. 17 (14).
c. 36	Education (Exemptions) (Scotland) Act, 1947.	Cont. until 31.12.57 ...	4 (5 Eliz. 2), s. 1 (1).
c. 41	Fire Services Act, 1947 ...	S. 17 am.	1 (5 Eliz. 2), s. I (1).
		S. 26. Pensions increase	39, ss. 1, 7 (2)-(5), 9 (2), 13 (4) schs. 1, 2.
c. 42	Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947.	Appl.	{ 26, s. 15 (2). 30, s. 53 (2).
c. 43	Local Government (Scotland) Act, 1947	S. 52 (1) (b) (c) appl., 52 (1) proviso paras. (i) (ii) saved.	S.I. No. 1422, art. 7 (8).
		S. 81 rep. (16.5.57) ...	60, s. 44, sch. 7 Pt. III.
		S. 83 mod. (depute assessors).	S.I. No. 1594
		S. 91 rep. (16.5.57) ...	60, s. 44, sch. 7 Pt. III.
		S. 93 mod. (depute assessors).	S.I. No. 1594

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1956 Act or number of Measure or Statutory Instrument
10 & 11 Geo. 6: c. 43— <i>cont.</i>	Local Government (Scotland) Act, 1947— <i>cont.</i>	<p>S. 105 (5) (6) appl. (mod.) S. 118 ext. S. 119 ext. S. 125 (a) (ii) am. Pt. VIII (ss. 156–173) ext. S. 181 (2) (a) rep. in pt. (16.5.57). Pt. X (ss. 196–208). Power to apply. Pt. XI saved in pt. S. 214 am. (<i>temp.</i>) (1961–62). S. 214 (5) rep. in pt. (16.5.57). S. 218 excl. (<i>temp.</i>) (1961–62). S. 218 (2) am. (16.5.61) Ss. 222 rep. (16.5.57), 223 rep. in pt. (16.5.57), 224 (2) rep. (16.5.57). S. 228 am. (<i>temp.</i>) (1961–62). S. 229 subst. S. 239 am. (16.5.57) rep. in pt. (16.5.57) S. 240 am. (16.5.57) rep. in pt. (16.5.57) S. 241 am. (16.5.57) rep. in pt. (16.5.57) S. 242 rep. in pt. (16.5.57) S. 243 excl. rep. in pt. (16.5.57) S. 246 rep. in pt. (16.5.57) S. 248 (2) proviso added S. 301 (4) (5) (7) (11)–(13) appl. S. 317 appl. S. 318 incorp. (mods.) S. 318 (2)–(6) appl. S. 355 (3)–(9) appl. S. 379 (1) rep. in pt. (16.5.61) Sch. 6 am. Sch. 10 appl. Sch. 11 incorp. (mods.) appl.</p>	<p>60, s. 2 (3). 26, s. 40 (2). 52, s. 31 (7). 75, s. 13 (1), sch. 1 Pt. II. 26, s. 15 (3). 60, s. 44, sch. 7 Pt. III. 26, s. 17 (2) (e). 60, s. 16 (3). 60, s. 15 (8). 60, s. 44, sch. 7 Pt. III. 60, s. 15 (8). 60, s. 30 (2). 60, s. 44, sch. 7 Pt. III. 60, s. 15 (6). 60, s. 19. 60, s. 33. 60, s. 44, sch. 7 Pt. III. 60, s. 33. 60, s. 44, sch. 7 Pt. III. 60, s. 33. 60, s. 44, sch. 7 Pt. III. 60, s. 44, sch. 7 Pt. III. 60, s. 17 (4). 60, s. 44, sch. 7 Pt. III. 60, s. 44, sch. 7 Pt. III. 60, s. 34 67, s. 15 (4) 60, s. 4 (2) 26, s. 21 (3). 60, s. 4 (1). 26, s. 18 (3). 60, s. 44, sch. 7 Pt. IV. { 26, s. 15 (4). 30, s. 54. 75, s. 13 (1), sch. 1 Pt. II. 60, s. 4 (2). 26, s. 21 (3). 60, s. 4 (1). 74, s. 39 (8)</p>
c. 44	Crown Proceedings Act, 1947.	S. 3 expld. (<i>prosp.</i>)	74, s. 39 (8)
c. 48	Agriculture Act, 1947 ...	S. 4 restr. (E.) (S.) S. 4 (2). Period ext. (5.8.57)	48, s. 17 (8). S.I. No. 1159.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1956 Act or number of Measure or Statutory Instrument
10 & 11 Geo. 6: c. 49	Transport Act, 1947 ...	S. 2 (4) (e) (f) excl. ... S. 4 (7) ext. Ss. 88 am., 89 appl. (mod.) S. 117 rep.	56, s. 2 (7). 56, s. 2 (2). 54, s. 42. 67, ss. 51, 55 (3), schs. 8 para. 40, 9.
c. 50	Isle of Man (Customs) Act, 1947.	Pt. V. Power to ext. (charges schemes). S. 4 cont.	2 (5 Eliz. 2), s. 2 (2) (4). S.I. No. 1160.
c. 54	Electricity Act, 1947 ...	Ss. 39 (2)–(4) am., 40 appl. (mod.).	54, s. 42.
11 & 12 Geo. 6: c. 7	Ceylon Independence Act, 1947.	Sch. 2 para. 10 rep. (<i>prosp.</i>).	74, s. 50 (2), sch. 9.
c. 9	Finance (No. 2) Act, 1947	S. 6 restr.	45, s. 5 (2).
c. 11	Medical Practitioners and Pharmacists Act, 1947.	Pt. I (registration of certain persons as Commonwealth or foreign practitioners). S. 8 rep.	76, s. 57 (2). 76, s. 57 (1), sch. 5.
c. 12	Pensions (Governors of Dominions, &c.) Act, 1947.	Pensions increase ... Expld. S. 1 (1) rep. S. 1 (2) am. Ss. 1 (3) (4), 2, 3 rep. ...	39, ss. 1, 3 (2), 13 (4), schs. 1, 2, 4. 64, s. 12 (2). 64, s. 14 (3), sch. 64, s. 2. 64, s. 14 (3), sch.
c. 15	Overseas Resources Development Act, 1948.	S. 1, as amd., ext. ... S. 1 (1) am. (<i>retrosp.</i>), 1 (2) subst. (<i>retrosp.</i>). S. 1 (3). Power to ext. (as am.). S. 19 para. (b) rep. ... Sch. para. 9 am. ...	71, s. 1 (3). 71, s. 1 (1). 71, s. 3 (1). 71, s. 1 (2). 71, s. 1 (2).
c. 19	Attempted Rape Act, 1948.	Rep.	69, s. 51, sch. 4.
c. 24	Police Pensions Act, 1948	Pensions increase ...	39, ss. 1, 9 (2), 13 (4), schs. 1, 2.
c. 26	Local Government Act, 1948.	Pt. II (ss. 17–32) cont. until 16.5.63. S. 29 rep. in pt. (16.5.57) S. 85 (2) rep. (16.5.57) ... S. 101 rep. in pt. (16.5.57) Pt. VI expld. (road safety committees). S. 114 (4) excl. S. 118 (3) ext. S. 124 (2) rep. in pt. (16.5.61). S. 126 (3) rep. in pt. ... S. 145 (4) rep. in pt. (16.5.57), 145 (6) rep. (16.5.57).	60, s. 29. 60, s. 44, sch. 7 Pt. III. 60, ss. 5 (1), 44, sch. 7 Pt. III. 60, s. 44, sch. 7 Pt. III. 67, s. 5 (4), sch. 2. 67, s. 5 (4), sch. 2 para. 2. 60, s. 5 (1) (i). 60, s. 44, sch. 7 Pt. IV. 33, s. 12 (4), sch. 3 Pt. I. 60, s. 44, sch. 7 Pt. III.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1956 Act or number of Measure or Statutory Instrument
11 & 12 Geo. 6: c. 27 c. 29	Palestine Act, 1948 ... National Assistance Act, 1948.	S. 3 (4) (b) expld. ... S. 13 am. S. 28 (7) rep. (E.) ...	64, s. 16 (3). 51, s. 6, sch. 33, s. 12 (4) sch. 3 Pt. II.
c. 33	Superannuation (Miscellaneous Provisions) Act, 1948.	S. 3. Pensions increase	39, ss. 1, 13 (4) schs. 1, 2.
c. 38	Companies Act, 1948 ...	S. 66 mod. Ss. 67, 68 excl. S. 69 mod. S. 69 (3) (4) excl. and new provisions subst. Ss. 70, 71 excl.	56, s. 2 (3), sch. para. 1. 56, s. 2 (3), sch. para. 1 (c). 56, s. 2 (3), sch. para. 1 (a). 56, s. 2 (3), sch. para. 1 (b). 56, s. 2 (3), sch. para. 1 (c). 46, s. 36 (4).
c. 43	Children Act, 1948 ...	S. 325 (2) am. S. 39 (1) (e) added ... Sch. 3 rep. so far as amending s. 85 of the Children and Young Persons Act, 1933, and s. 89 of the Children and Young Persons (Scotland) Act, 1937.	50, s. 5 (6). 24, s. 4 (2).
c. 45	Agriculture (Scotland) Act, 1948.	S. 30 (2) am. (16.5.61) ...	60, s. 39.
c. 49	Finance Act, 1948 ...	S. 1 (1) (2) rep. S. 21. Power to ext. ... S. 69 ext. S. 69 (3) am. S. 72 rep. Sch. 1 rep. Sch. 8 am. and re-enacted Sch. 8 Pt. I group 1 expld.	54, s. 44 (9) sch. 5 Pt. I. 54, s. 7 (10) (13). 54, s. 30 (5) (8). 54, s. 29 (3), sch. 4 para. 4. 54, ss. 38 (7), 44 (9), sch. 5 Pt. II. 54, s. 44 (9), sch. 5 Pt. I. S.I. No. 383, art. 1 (1). S.I. No. 383, art. 1 (2).
c. 52	Veterinary Surgeons Act, 1948.	S. 23 rep. in pt., sch. 2 para. 5 rep.	25, s. 18 (1), sch. 2.
c. 55	Factories Act, 1948 ...	Power to excl.	49, s. 19 (1).
c. 58	Criminal Justice Act, 1948	S. 8 appl. in pt. (E.) ... S. 14 appl. in pt. ... S. 37 appl. in pt. ... S. 41 (2) ext. Sch. 5 para. 3 am. Sch. 5 para. 5 am. ...	34, ss. 1 (7), 3 (6). 34, s. 1 (7). 44, s. 1 (2) (b). 67, s. 32 (1). 1 (5 Eliz. 2), s. 1 (1). 34, s. 17 (1) (2) (d).
c. 61	Isle of Man (Customs) Act, 1948.	S. 1 expired	} S.I. No. 1160.
c. 63	Agricultural Holdings, Act, 1948.	Ss. 2, 5 (2) cont. S. 9 ext.	
c. 65	Representation of the People Act, 1948.	Sch. 1 am. Sch. 6 para. 3 rep. in pt. (1.6.57).	S.I. Nos. 818-823. 43, s. 2 (1) (a) sch. 2 Pt. I.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1956 Act or number of Measure or Statutory Instrument
11 & 12 Geo. 6: c. 66	Monopolies and Restrictive Practices (Inquiry and Control) Act, 1948.	S. 1 (1) am.	68, s. 28 (1).
		S. 1 (2) am.	68, s. 28 (3).
		S. 1 (3) mod.	68, s. 28 (2).
		S. 2 (1) restr.	68, s. 29 (1).
		S. 5 (1) am.	68, s. 29 (2).
		S. 6 (4) proviso restr. ...	68, s. 29 (4).
		S. 9 excl.	68, s. 31 (2).
		S. 10 restr.	68, s. 30.
		S. 15 (1) proviso rep. ...	68, s. 29 (5).
c. 67		Gas Act, 1948	S. 6 (6) ext. (S.)... ..	60, ss. 24 (3), 25 (3), schs. 4 para. 12, 5 para. 9.
		S. 24 (3) ext. (S.) ...	60, ss. 24 (3), 25 (3), schs. 4 para. 12, 5 para. 9.
		Ss. 42 am., 43 appl. (mod.)	54, s. 42.
		S. 75 (8) rep. (saving for Gas Council) (16.5.57).	60, s. 44, sch. 7 Pt. III.
12, 13 & 14 Geo. 6: c. 4	Judges Pensions (India and Burma) Act, 1948.	Pensions increase ...	39, ss. 1, 3 (2), 13 (4), schs. 1, 2, 4.
c. 10	Administration of Justice (Scotland) Act, 1948.	S. 1 (1) am.	68, s. 32 (2).
c. 21	Solicitors, Public Notaries, &c. Act, 1949.	S. 1 (2) rep. in pt. ...	41, s. 19 (3), sch. 2 Pt. II.
c. 25	Tenancy of Shops (Scotland) Act, 1949.	Cont. until 31.12.57 ...	4 (5 Eliz. 2), s. 1 (1).
c. 27	Juries Act, 1949... ..	Pt. I (ss. 1-23) expld. ...	34, ss. 2 (4) (c) 3 (4).
		S. 4 para. (d) am. ...	34, s. 17 (1) (3).
		S. 5 mod.	34, s. 2 (4) (c).
c. 31	Water (Scotland) Act, 1949.	Pt. I (ss. 1-20) am. (16.5.61).	60, s. 18 (1).
		S. 1 (2) (3) rep. in pt. (16.5.57).	60, s. 44, sch. 7 Pt. III.
		Ss. 2 (2) (b), (4), 3 rep. (16.5.61).	60, s. 44, sch. 7 Pt. IV.
		S. 8 (1) rep. in pt. (16.5.57)	60, s. 44, sch. 7 Pt. III.
		S. 16 (1) (2) (4) rep. (16.5.61), 16 (5) rep. in pt. (16.5.61).	60, s. 44, sch. 7 Pt. IV.
		S. 20 (2) subst. (16.5.61)	60, s. 18 (2).
c. 34	Milk (Special Designations) Act, 1949.	S. 15 (1) am.	30, s. 60 (1), sch. 2.
c. 44	Superannuation Act, 1949	Pensions increase ...	39, ss. 1, 9 (3) (4), 13 (4), schs. 1, 2.
		Mod. (former Governors of dominions).	64, s. 10.
		Appl. (traffic commissioners).	67, s. 51, sch. 8 para. 39.
		Appl. (officers, etc., of Restrictive Practices Court).	68, s. 2 (5).
		Pts. I, II excl.	64, s. 10 (2) (c).

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1956 Act or number of Measure or Statutory Instrument
12, 13 & 14 Geo. 6: c. 44— <i>cont.</i>	Superannuation Act, 1949 — <i>cont.</i>	S. 3 (3). Pensions increase. Ss. 5, 17 (4), 18 (3). Pensions increase.	39, ss. 1, 13 (4), schs. 1, 2. 39, ss. 1, 9 (4), 13 (4), schs. 1, 2.
c. 47	Finance Act, 1949 ...	S. 36 (1)—(3) rep. ...	54, s. 44 (9), sch. 5 Pt. II.
c. 58	Isle of Man (Customs) Act, 1949.	Ss. 1, 2, 5 as am., cont. } S. 3 expired ...	S.I. No. 1160.
c. 59	Licensing Act, 1949 ...	S. 30 appl. ...	
c. 60	Housing Act, 1949 ...	Ss. 14 (2) (a), 18 rep. ... S. 32 am. Ss. 37 (1), 38 (1) rep. in pt. S. 39 (1) rep. in pt. ... ext. Sch. 2 paras. 3, 14 rep. ...	33, s. 12 (4), sch. 3 Pt. I. 33, s. 12 (3), sch. 1 para. 11. 33, s. 12 (4), sch. 3 Pt. I. 33, s. 12 (4), sch. 3 Pt. I. 33, ss. 4 (3), 12 (3), sch. 1 para. 12. 33, s. 12 (4), sch. 3 Pt. I.
c. 64	Profits Tax Act, 1949 ...	S. 1. New rates enacted	54, s. 29 (1) (2).
c. 68	Representation of the People Act, 1949.	S. 5 (1) (b) am. (16.5.57) S. 5 (6) rep. in pt. (16.5.57) S. 5 (7) rep. in pt. (16.5.57) S. 5 (7) (d) subst. (16.5.61) S. 6 (3) rep. in pt. (16.5.57) S. 29 (1) (c) rep. (1.1.58) S. 29 (4) superseded (saving). Sch. 3 rule 15 (3) rep. in pt. (16.5.57). Sch. 8 para. 5 (1) rep. in pt. (1.6.57). Sch. 8 para. 5 (3) rep. ...	60, s. 35 (1). 60, s. 44, sch. 7 Pt. III. 60, s. 44, sch. 7 Pt. III. 60, s. 35 (2). 60, s. 44, sch. 7 Pt. III. 43, s. 1 (2). 43, ss. 4 (4), 7 (1). 60, s. 44, sch. 7 Pt. III. 43, s. 2 (1) (a), sch. 2 Pt. I. 43, s. 5 (2). 49, s. 25 (4). 49, s. 25 (5). 49, s. 25 (4). 60, s. 44, sch. 7 Pt. III.
c. 75	Agricultural Holdings (Scotland) Act, 1949	S. 5 (2) (3) (5) ext. ... S. 8 ext. S. 18 ext. S. 35 (2) rep. in pt. (16.5.57).	60, s. 44, sch. 7 Pt. III. 43, s. 2 (1) (a), sch. 2 Pt. I. 43, s. 5 (2). 49, s. 25 (4). 49, s. 25 (4). 60, s. 44, sch. 7 Pt. III.
c. 76	Marriage Act, 1949 ...	Pt. III appl. (S.) (issue of marriage certificates). S. 28 (1) (b) appl. (mod.) (S.).	70, s. 1 (3). 70, s. 1 (2) (c).
c. 87	Patents Act, 1949 ...	S. 51 appl. (S.)	30, s. 5 (4).
c. 88	Registered Designs Act, 1949.	S. 6 (4) (5) added (<i>prosp.</i>) S. 8 (3) added (<i>prosp.</i>) ... S. 11 (2A) added (<i>prosp.</i>) S. 11 (3) am. (<i>prosp.</i>) ... S. 36 am. (<i>prosp.</i>) ... S. 44 (1) am. (<i>prosp.</i>) ...	74, s. 44 (1). 74, s. 44 (2). 74, s. 44 (3). 74, s. 44 (4). 74, s. 10 (5). 74, s. 44 (5).

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1956 Act or number of Measure or Statutory Instrument
12, 13 & 14 Geo. 6: c. 89	Vehicles (Excise) Act, 1949.	Excl. S. 5 (3) am. S. 8 (2) am. S. 8 (7) added (S.) S. 9 am. (<i>retrosp.</i>) S. 11. Power to ext. S. 11 (3) rep. S. 13 am. S. 15 (1) am. S. 15 (2) rep. S. 27 (1) rep. in pt.	54, s. 7 (7) (13). 54, s. 5 (3). 54, s. 5 (5) (6). 54, s. 5 (6). 54, s. 7 (7) (13). 54, s. 5 (4). 54, s. 44 (9), sch. 5 Pt. I. 54, s. 5 (5) (6). 54, s. 5 (5) (6). 54, s. 44 (9), sch. 5 Pt. I. 54, ss. 5 (2), 44 (9), sch. 5 Pt. III.
c. 91	Air Corporations Act, 1949.	Ss. 8, 9 appl. (mod.) S. 10 ext. S. 12 appl. (mod.) S. 12 (1) am. expld. S. 12 (2) am. S. 12 (3) expld.	54, s. 42. 3 (5 Eliz. 2), s. 1 (3). 54, s. 42. 3 (5 Eliz. 2), s. 1 (1). 3 (5 Eliz. 2), s. 1 (2), proviso. 3 (5 Eliz. 2), s. 1 (1). 3 (5 Eliz. 2), s. 1 (2), proviso.
c. 94	Criminal Justice (Scotland) Act, 1949.	S. 70 (1) (b) rep. in pt., 72 (1) am. Sch. 3 para. 7 (c) am.	75, s. 13 (1), sch. 1 Pt. II. 1 (5 Eliz. 2), s. 1 (1).
c. 97	National Parks and Access to the Countryside Act, 1949.	S. 93 (7) rep.	67, s. 55 (3), sch. 9.
c. 101	Justices of the Peace Act, 1949.	S. 8 (5) am. (E.) S. 18 ext. S. 20 (3) saved (<i>prosp.</i>) am. (<i>prosp.</i>) S. 25 (2) am. S. 27 expld. S. 31 (3) rep. Ss. 32 (1) (4), 33 (2) (8) (12) am. (functions of Secretary of State transd. to Lord Chan- cellor. S. 33. Pensions increase Ss. 35 rep., 39 (3) (a) rep. in pt. Rep.	34, s. 17. 34, s. 18 (2) (3). 41, s. 2 (1), proviso. 41, s. 2 (4), sch. 1. 34, s. 17 (1) (2) (a). 67, s. 52 (3). 34, s. 21 (3), sch. 3 Pt. II. 34, s. 16 (1). S.I. No. 1105. 34, s. 21 (3), sch. 3 Pt. II. C.A.M. No. 3, s. 10 (4).
C.A.M. No. 2	Parochial Church Councils (Powers) (Amendment) Measure, 1949.	Rep.	C.A.M. No. 3, s. 10 (4).
14 Geo. 6: c. 15	Finance Act, 1950 ...	S. 1 (1) am. (<i>temp.</i>) Sch. 5, para. 3 (2) (b) am.	2 (5 Eliz. 2), s. 1. S.I. No. 383.
c. 19	Isle of Man (Customs) Act, 1950.	S. 3 cont.	S.I. No. 1160.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1956 Act or number of Measure or Statutory Instrument
14 Geo. 6:			
c. 23 ...	Coal-Mining (Subsidence) Act, 1950.	S. 1 (2) am. ...	S.I. No. 437.
c. 24 ...	Highways (Provision of Cattle Grids) Act, 1950.	S. 6 (2) rep. ... 6 (3) rep. (highway authorities).	} 67, s. 55 (3), sch. 9.
c. 25 ...	Matrimonial Causes Act, 1950.	S. 17 (2) am. ... S. 17 (3) rep. in pt. ...	
c. 27 ...	Arbitration Act, 1950 ...	am. ... S. 17 (6) am. ... Appl. in pt. ...	46, s. 31 (2). 46, ss. 31 (2), 57 (2), sch. 2. 46, s. 31 (2). 46, s. 31 (2). S.I. No. 1734, r. 42.
c. 29 ...	Medical Act, 1950 ...	Ss. 1-5 rep. ... S. 6 (1) (2) rep. ... S. 6 (3) rep. in pt. ... am. ... S. 6 (4)-(7) rep. ...	76, s. 57 (1), sch. 5. 76, s. 57 (1), sch. 5. 76, s. 57 (1), sch. 5. 76, s. 57 (12). 76, s. 57 (1), sch. 5.
c. 34 ...	Housing (Scotland) Act, 1950.	Ss. 7-24, 25 (1), 26-28, 30, 32 rep., 34 (1) rep. in pt., 34 (2) rep., 34 (3) (4) rep. in pt., 35 (1)-(3) rep., 35 (4) rep. in pt., 36, 37, 38 (2), sch. 1 rep., sch. 2 rep. in pt.	76, s. 57 (1), sch. 5.
		S. 2 appl. ... S. 16 appl. ... Ss. 20, 21 appl. ... S. 22 appl. (mod.) ...	52, s. 31 (7). 52, s. 12 (3) (b). 52, s. 31 (7). 52, s. 31 (7), sch. 3 Pt. III.
		S. 73 (6) rep. (16.5.61) ... mod. ...	60, s. 44, sch. 7, Pt. IV. 60, s. 15 (3) proviso.
		S. 114 (1) am. ...	60, s. 16 (2), sch. 3, para. 11.
		S. 114 (1) (c) mod. ... am. ...	60, s. 15 (3) proviso. 60, s. 16 (2), sch. 3, para. 12.
		S. 114 (1) (c) (ii) am. ...	60, s. 16 (2), sch. 3, paras. 9, 10.
		S. 124 rep. (16.5.61) ... mod. ...	60, s. 44, sch. 7, Pt. IV. 60, s. 15 (3), proviso.
		S. 138 (1) (ii) rep. in pt. (16.5.57).	60, s. 44, sch. 7, Pt. III.
		S. 161 appl. (mod.) ...	52, s. 31 (7), sch. 3, Pt. III.
		Ss. 168-171, 172 (1) (2) appl.	52, s. 31 (7).
		S. 178 rep. (16.5.61) ... mod. ...	60, s. 44, sch. 7, Pt. IV. 60, s. 15 (3), proviso.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1956 Act or number of Measure or Statutory Instrument
14 Geo. 6: c. 34— <i>cont.</i> ...	Housing (Scotland) Act, 1950— <i>cont.</i>	Sch. 7, para. 5 (1) (e) rep. in pt. (16.5.57). Sch. 7, para. 5 (2) subst. (16.5.57).	60, s. 44, sch. 7, Pt. III. 60, s. 36.
c. 36 ...	Diseases of Animals Act, 1950.	S. 75 (2) rep. in pt. (E.)... rep. in pt. (S.)...	46, ss. 7 (1), 57 (2), sch. 2. 46, s. 49 (2).
c. 39 ...	Public Utilities Street Works Act, 1950.	S. 8 (1) (b) rep. in pt. ... S. 21 (1) (a) am. ...	67, s. 55 (3), sch. 9. 67, s. 45 (6).
14 & 15 Geo. 6: c. 2 ...	Superannuation Act, 1950	Mod. (former Governors of dominions). Appl. (traffic commissioners). Appl. (officers, etc., of Restrictive Practices Court).	64, s. 10. 67, s. 51, sch. 8, para. 39. 68, s. 2 (5).
c. 11 ...	Administration of Justice (Pensions) Act, 1950.	Appl. (E.) ... Pt. I (ss. 1–20) ... Pensions increase. S. 2 (4) am. (E.) ... Ss. 2–8 appl. (Liverpool and Manchester recorders). S. 14 (1) am. (stipendiary magistrates, E. & W.) (functions of Secretary of State transfd. to Lord Chancellor). S. 22 ext. ... S. 22 (2), (4)–(8) am. (functions of Secretary of State transfd. to Lord Chancellor). Sch. 1 am. (E.) ... Sch. 1 am. (Liverpool and Manchester recorders). Sch. 3, paras. 5, 6 am. (functions of Secretary of State transfd. to Lord Chancellor).	34, s. 5 (3). 39, ss. 1, 13 (4), schs. 1, 2. 46, s. 12 (7). 44, s. 4 (6). 34, s. 16 (1). 34, s. 13 (3). 34, s. 16 (1). 46, s. 25 (2) (4). 34, s. 4 (6). 34, s. 16 (1).
c. 13 ...	Penicillin (Merchant Ships) Act, 1951.	Rep. ...	25, s. 18 (1), sch. 2.
c. 15 ...	Local Government (Scotland) Act, 1951.	S. 4 cont. until 31.12.57...	4 (5 Eliz. 2), s. 1 (1).
c. 21 ...	Alkali, &c., Works Regulation (Scotland) Act, 1951.	S. 2 saved ...	52, s. 17 (6).
c. 34 ...	National Insurance Act, 1951.	S. 2 (2) rep. ...	50, s. 2 (1), sch., para. 15.
c. 36 ...	Criminal Law Amendment Act, 1951.	Rep. (E.)... ...	69, s. 51, sch. 4.
c. 43 ...	Finance Act, 1951 ...	S. 15 rep. ... S. 29 (2) am. ... S. 31 excl. ... Sch. 5 rep. ...	S.I. No. 384. 54, s. 29 (3), sch. 4, para. 4. 54, s. 31 (3) (7). S.I. No. 384.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1956 Act or number of Measure or Statutory Instrument
14 & 15 Geo. 6: c. 48	Dangerous Drugs Act, 1951.	Saved (S.)	30, s. 28 (2).
c. 51	Isle of Man (Customs) Act, 1951.	Pt. III ext. S.I. cont.	S.I. No. 817. S.I. No. 1160.
15 & 16 Geo. 6 & 1 Eliz. 2: c. 10	Income Tax Act, 1952 ...	Power to appl. (mod.) S. 28 rep. Ss. 62-64 ext. S. 64. Power to apply (mod.) S. 64 appl. (mod.) Ss. 69 para. (b), 122, sch. D para. 1 (a), para. 1 proviso, rep. in pt. S. 122 am. S. 132 (2) rep. in pt. S. 135 (2) excl. S. 150 (1)-(4), (7) rep. in pt., 150 (8) rep. S. 156, sch. E: am. ext. expld. new para. 1 added and old para. 1 renumbered 1A. paras. 1A, 2, 3 rep. in pt. S. 157 saved S. 169 excl. S. 170 appl. (mod.) S. 190 (3) (4) appl. S. 219 excl. S. 242 (5) mod. Pt. X Chapter I saved in pt. S. 276 (1) mod. S. 278 (1) rep. in pt. (saving). Pt. X Chapter II appl. (mod.) saved in pt. S. 279 (2) excl. S. 332 excl. S. 346 excl. S. 354 ext. S. 355 saved S. 383 rep.	54, s. 28 (3). 54, s. 44 (9), sch. 5 Pt. I. 54, s. 10 (3). 54, s. 28 (3). S.I. No. 1230, reg. 10. 54, s. 44 (9), sch. 5 Pt. I. 54, s. 10 (2). 54, s. 44 (9), sch. 5 Pt. I. 54, s. 24 (2) (b). 54, s. 44 (9), sch. 5 Pt. I. 54, s. 10 (2). 54, s. 10, sch. 2. 54, s. 10 (5). 54, s. 10 (1). 54, s. 44 (9), sch. 5 Pt. I. 54, s. 9 (5). 54, s. 28 (4) (b). 54, s. 25 (1). 54, s. 40 (2) (6). 54, s. 23 (11). 54, s. 10 (4). 54, s. 15 (3) (8). 54, s. 16 (3) (b). 54, ss. 16 (1) (4), 44 (9), sch. 5 Pt. I. 54, s. 10, sch. 2 para. 2. 54, s. 15 (2) (3) (8). 54, s. 15 (4) (8). 54, s. 17 (9) (13). 54, s. 24 (5). 54, s. 9 (1). S.I. No. 1230, reg. 19. 54, s. 44 (9), sch. 5 Pt. I.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1956 Act or number of Measure or Statutory Instrument
15 & 16 Geo. 6 & 1 Eliz. 2: c. 10— <i>cont.</i>	Income Tax Act, 1952— <i>cont.</i>	S. 385 (1) subst. ... S. 387 (4) mod. ... S. 419 mod. ... S. 423 (6) ext. ... S. 423 (6) rep. in pt. ... S. 424 (1) (d), (2) rep. ... S. 425 (4) (a) rep. in pt. S. 440 ext. ... S. 510 appl. (mod.) ... Sch. 6 appl. (mod.) ... Sch. 9 mod. ... Sch. 9 paras. 1, 2, 4 rep. in pt., 5 rep., 6 rep. in pt., 9 rep. in pt., 10–12 rep., 14 rep. in pt., 15, 16 (2) rep. Sch. 9 para. 7 appl.(mod.) Sch. 11 Pt. I am. (<i>retrosp.</i>) Sch. 18 Pt. III para. 2 (2) (b) rep. in pt.	54, s. 13. 54, s. 10 (4). 54, s. 19 (1). 54, s. 41. 54, s. 44 (9), sch. 5 Pt. I. 54, s. 44 (9), sch. 5 Pt. I. 54, ss. 24 (2), 44 (9), sch. 5 Pt. I. 54, s. 26 (1). S.I. No. 1230, reg. 8. 54, s. 12 (8). 54, s. 10 (1), sch. 2 para. 9. 54, s. 44 (9), sch. 5 Pt. I. 54 s. 10, sch. 2, para. 2. 54, s. 18. 54, s. 44 (9), sch. 5 Pt. I. 34, s. 16 (1).
c. 12 ...	Judicial Offices (Salaries, etc.) Act, 1952.	S. 1 (4) am. (functions of Secretary of State transf'd. to Lord Chancellor).	34, s. 16 (1).
c. 29 ...	Family Allowances and National Insurance Act, 1952.	S. 9 (1)–(3) am. (<i>prosp.</i>)... Sch. 5 rep. so far as relating to the amdt. of s. 17 of the National Insurance Act, 1946 (9 & 10 Geo. 6, c. 67).	50, s. 6 (6). 50, s. 2 (1), sch. para. 16.
c. 33 ...	Finance Act, 1952	Ss. 8, 10, 11 (exc. subs. (4)), rep. S. 33 (2) am. (<i>retrosp.</i>) ... S. 73 rep. ... Sch. 3 rep. ... Sch. 7 am. ... Sch. 7 para. 4 am. ...	S.I. No. 384. 54, s. 29 (1). 54, s. 44 (9), sch. 5 Pt. II. S.I. No. 384. 54, s. 29 (2). 54, s. 29 (3), sch. 4 para. 4.
c. 44 ...	Customs and Excise Act, 1952.	Appl. ... Appl. (penalties and forfeiture of goods). Excl. (<i>prosp.</i>) ... S. 11 saved ... Ss. 28, 31, 32, 44 mod. ... S. 45 (1) saved ... mod. ... S. 45 (2) mod. ... Ss. 86, 87, 91 (4), 92 (2) mod. S. 146 (3) expld. ... S. 149 (6) rep. in pt. ...	48, s. 11 (1). 48, s. 11 (5). 74, s. 22 (7). 48, s. 11 (2). S.I. No. 1652. 48, s. 29 (2) proviso. S.I. No. 1652. S.I. No. 1652. S.I. No. 1652. 54, s. 2 (3). 54, ss. 3, 44 (9), sch. 5, Pt. I.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1956 Act or number of Measure or Statutory Instrument
15 & 16 Geo. 6 & 1 Eliz. 2: c. 44— <i>cont.</i>	Customs and Excise Act, 1952— <i>cont.</i>	S. 161 (4) saved (S.) ... S. 259 excl. ... S. 271 (1) mod. ... Ss. 281, 283 (1) excl. (E.) (N.I.). S. 294 (5) mod. ... Ss. 301, 302 mod. ... S. 304 mod. saved ...	30, s. 3 (4). S.I. No. 1652. S.I. No. 1652. 54, s. 5 (5) (6). S.I. No. 1652. 48, s. 16 (3). 48, s. 16 (3). S.I. No. 1652. 48, s. 29 (2), proviso.
c. 45 ...	Pensions (Increase) Act, 1952.	S. 305 (1) (3) mod. ... Pensions increase ... S. 1 expld. (meaning of "dependant"). S.1 (2) rep. ... S. 4 (1) (a) am. (<i>retrosp.</i>) S. 4 (2) rep. in pt., 4 (5) rep. S. 5 (2) am. (<i>retrosp.</i>) ... Sch. 1 Pt. I ext. ... Sch. 1 Pt. II para. 1A added (<i>retrosp.</i>). Sch. 1 Pt. II ext. ... Sch. 2 para. 2. Power to mod. Sch. 2 paras. 1 rep. in pt., 3, 5 (b) rep., 7, 8 rep. in pt. Sch. 3 rep. in pt. ...	48, s. 16 (3). 39, ss. 1, 4, 6 (2), 9 (3), 13 (3) (4), schs. 1, 2, 4. 39, ss. 5 (1), 13 (3) (4). 39, s. 13 (2)-(4), sch. 5. 39, ss. 5 (4), 13 (3) (4). 39, s. 13 (2)-(4), sch. 5. 39, ss. 5 (2), 13 (3) (4). 39, ss. 4 (2), 13 (3) (4), sch. 4 Pts. I, II. 39, ss. 5 (2), 13 (3) (4). 39, ss. 4 (2), 13 (3) (4), sch. 4 Pt. III. 53, s. 10 (4), sch. 1. 39, s. 13 (2)-(4), sch. 5.
c. 47 ...	Rating and Valuation (Scotland) Act, 1952.	S. 1 (1) (a) rep. (16.5.57) S. 1 (1) (c) rep. (16.5.61) S. 1 (2) (a) rep. (16.5.57) S. 6 saved ... S. 1 am. ...	60, s. 44, sch. 7 Pt. III. 60, s. 44, sch. 7 Pt. IV. 60, s. 44, sch. 7 Pt. III. 60, s. 13 (3). S.I. No. 2039.
c. 51 ...	Isle of Man (Customs) Act, 1952.	S. 1 am. ...	S.I. No. 2039.
c. 53 ...	Housing Act, 1952 ...	S. 1 (1) (c) rep., 1 (1) (d), sch. rep. in pt.	33, s. 12 (4), sch. 3 Pt. I.
c. 54 ...	Town Development Act, 1952.	S. 2 (2) (a) subst. (undertakings given on or after 1.4.1956). Ss. 3 (2) (c), 8 (1) (f) ext. S. 14 (1) ext. ... S. 14 (2) rep. in pt. ... S. 23 (2) (a) mod. ...	33, s. 12 (3), sch. 1 para. 14. 33, s. 12 (3), sch. 1 para. 15. 33, s. 12 (3), sch. 1 para. 15. 33, s. 12 (4), sch. 3 Pt. I. 33, s. 12 (3), sch. 1 para. 13.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1956 Act or number of Measure or Statutory Instrument
15 & 16 Geo. 6 & 1 Eliz. 2: c. 55	Magistrates' Courts Act, 1952.	Ss. 5 (2) (3), 10 (1) appl. (mod.). Ss. 20, 21 saved S. 25 (1) am. S. 98 (5) saved S. 104 excl.	S.I. No. 1692, r. 1, sch. 1. 69, s. 37 (7) (a). 69, s. 48, sch. 3. 69, s. 37 (7) (b). 29, s. 28 (3). 68, s. 17 (2).
c. 67	Visiting Forces Act, 1952	Sch. para. 1 (b) rep. in pt. (E.). Sch. para. 1 (b) (viii) added (E.).	69, s. 51, sch. 4. 69, s. 48, sch. 3.
1 & 2 Eliz. 2: c. 13	Transport Act, 1953 ...	S. 4 (1) subst. S. 4 (2) ext. S. 4 (3) ext. S. 5 am. S. 5 (2) rep. in pt. S. 5 (3) am. S. 5 (3) proviso (b) rep. S. 5 (7) am. saved S. 5 (8)-(12) am. S. 6 appl. S. 6 (5) excl. S. 7 (6) ext. S. 11 (4). Road Haulage Disposal Board dissolved and functions transfd. to Minister of Transport and Civil Aviation.	56, s. 1. 56, ss. 2 (5), 3 (5). 56, s. 3 (5). 56, s. 2 (1). 56, s. 2 (6). 56, s. 2 (1) (b), (2). 56, s. 2 (1) (c). 56, s. 2 (1) (e). 56, s. 9 (2). 56, s. 2 (1) (e). 56, s. 3 (6). 56, ss. 3 (2) (4), 4 (1). 56, s. 3 (5). S.I. No. 1184.
c. 21	Road Transport Lighting Act, 1953.	S. 1 am. S. 1 (5) rep. in pt. S. 3 (3) rep. in pt. S. 3 (5) (a) expld. (<i>prosp.</i>) S. 1 rep.	56, s. 8 (1) (a). 56, s. 8 (1) (b). 56, s. 8 (3) (a). 56, s. 8 (3) (b). 56, s. 8 (4). 56, s. 8 (3) (b). 56, s. 8 (3) (b). 67, s. 51, sch. 8 para. 7 (5). 67, s. 55 (3), sch. 9. 67, s. 55 (3), sch. 9. 67, s. 41. 67, s. 55 (3), sch. 9.
c. 22	Road Transport Lighting (No. 2) Act, 1953.	S. 1 rep.	25, s. 18 (1), sch. 2.
c. 32	Therapeutic Substances (Prevention of Misuse) Act, 1953.	Rep.	75, ss. 6 (3), 13 (2), sch. 2.
c. 33	Education (Miscellaneous Provisions) Act, 1953.	S. 5 rep. S. 12 (2) am. Ss. 19 rep. (S.), 20 (2) (3) (5) rep. in pt.	67, s. 51, sch. 8 para. 41. 75, s. 13 (2), sch. 2.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1956 Act or number of Measure or Statutory Instrument
1 & 2 Eliz. 2: c. 34	Finance Act, 1953 ...	Ss. 10 (1), 11 (1) rep., 11 (3) rep. in pt. S. 19 mod. S. 30 ext. Sch. 2 rep.	S.I. No. 384. 54, s. 17 (3) (13). 54, s. 34 (1). S.I. No. 384.
c. 40	University of St. Andrews Act, 1953.	S. 11 (1). Period extd. for further 2 years (until 2.11.58).	S.I. No. 1585.
c. 44	Isle of Man (Customs) Act, 1953.	S. 1 cont.	S.I. No. 1160.
c. 46	Licensing Act, 1953 ...	Expld. (transfer to Lancashire of remainder of Stockport). Pt. II (ss. 53-67) cont. (until 31.3.58). S. 100. Power to excl. Ss. 127, 129 appl. S. 141 saved	34, s. 7. 4 (5 Eliz. 2), s. 1 (2). 37, s. 1 (2). 42, s. 1 (1). 45, s. 4 (6) (a).
c. 51	Monopolies and Restrictive Practices Commission Act, 1953.	S. 1 am. (deputy chairmen). S. 1 (3) rep. S. 2 rep. Sch. 1 am. (deputy chairmen). Sch. 2 rep.	68, s. 28 (5). 68, s. 28 (5). 68, s. 28 (4). 68, s. 28 (5). 68, s. 28 (4).
2 & 3 Eliz. 2: c. 7	Air Corporations Act, 1953.	S. 1 rep.	3 (5 Eliz. 2), s. 2 (2).
c. 13	Local Government (Financial Provisions) (Scotland) Act, 1954.	Cont. until 16.5.63 S. 1 (1) (b) restr. (<i>temp.</i>) S. 3 (1) rep. in pt. (16.5.61) S. 4 (1) rep. (16.5.61) am. S. 5 (1) (2) rep. in pt. (16.5.61). S. 9 (3) rep. (16.5.57) S. 10 am. (1961-2) S. 11 (1) am. (16.5.56) (<i>temp.</i>). S. 13 (2) am. (16.5.57) S. 14 (2) rep.	60, s. 29. 60, s. 26. 60, s. 27 (2) (a). 60, s. 27 (2) (b). 60, s. 27 (1). 60, s. 27 (2). 60, s. 44, sch. 7 Pt. III. 60, s. 15 (8). 60, ss. 28, 29. 60, s. 44, sch. 7 Pt. III. 60, ss. 29, 44, sch. 7 Pt. II.
c. 18	Merchant Shipping Act, 1954.	Appl. (mod.)	S.I. No. 1002.
c. 25	Pensions (Increase) Act, 1954.	Pensions increase	39, ss. 6 (2), 9 (3), 13 (3) (4).
c. 33	Pool Betting Act, 1954 ...	S. 1 (5) (6) appl.	45, s. 2 (3).
c. 39	Agriculture (Miscellaneous Provisions) Act, 1954.	S. 8 rep.	48, s. 32 (2).
c. 44	Finance Act, 1954 ...	S. 16 (2) rep. in pt. (saving) excl. (<i>temp.</i>) S. 16 (3) (4) excl. (<i>temp.</i>) S. 16 (5) excl. (<i>temp.</i>) S. 17 saved S. 32 (2) am. S. 33 (2) ext.	54, s. 44 (9), sch. 5 Pt. I. 54, s. 15. 54, s. 15. 54, s. 15. 54, s. 17 (3) (13). 54, s. 36 (1). 54, s. 35.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1956 Act or number of Measure or Statutory Instrument
2 & 3 Eliz. 2: c. 48	Summary Jurisdiction (Scotland) Act, 1954.	S. 23 mod. excl.	30, s. 41 (4). 68, s. 17 (3).
c. 50	Housing (Repairs and Rents) (Scotland) Act, 1954.	S. 14 appl. Ss. 25 (8), 35 rep. (16.5.61) S. 36 rep. (16.5.61) ... S. 36 (1) (2) rep. (16.5.57)	52, s. 31 (7). 60, s. 44, sch. 7 Pt. IV. 60, s. 44, sch. 7 Pt. IV. 60, s. 44, sch. 7 Pt. III.
c. 53	Housing Repairs and Rents Act, 1954.	S. 8 rep.	33, s. 12 (4), sch. 3 Pt. I.
c. 54	Isle of Man (Customs) Act, 1954.	Ss. 1, 3 cont.	S.I. No. 1160.
c. 62	Post Office Savings Bank Act, 1954.	S. 4 expld. S. 9 am.	S.I. No. 1657, regs. 13 (2), 15 (2). S.I. No. 1657, reg. 18 (4).
c. 63	Trustee Savings Banks Act, 1954.	Ss. 25-38. Power to appl. (mod.).	54, s. 9 (3).
c. 70	Mines and Quarries Act, 1954.	S. 35 (1) mod. S. 39 (1) (b) mod. (<i>temp.</i>) S. 88 saved S. 194. Apptd. day for whole Act so far as not already in force (1.1.57).	S.I. No. 1940. S.I. No. 1941. S.I. No. 2017. S.I. No. 1530.
c. 71	Overseas Resources Development Act, 1954.	S. 5 appl.	71, s. 4 (2).
C.A.M. No. 4 ...	Clergy Pensions Measure, 1954.	Ext. (Channel Islands) ...	S.I. No. 620.
3 & 4 ELIZ. 2: c. 1	National Insurance Act, 1954.	S. 4 (1) am. Sch. 5 rep. so far as relating to the amendment of s. 17 of the National Insurance Act, 1946 (9 & 10 Geo. 6, c. 67) and to the amendment of the National Insurance Act, 1951 (14 & 15 Geo. 6 c. 34).	50, s. 9 (2). 50, s. 2 (1), sch. para. 17.
c. 18	Army Act, 1955 ...	Ss. 57 (1), 58, 93, 94 (1) (2), 95, 99, 100 appl. S. 101 appl. S. 102 appl. S. 125 saved	S.I. No. 162, r. 81 (3). S.I. No. 162, rr. 81 (3), 91 (4). S.I. No. 162, r. 81 (3). S.I. No. 1914, rr. 22, 23.
c. 19	Air Force Act, 1955 ...	Ss. 57 (1), 58, 93, 94 (1) (2), 95, 99, 100 appl. S. 101 appl. S. 102 appl. S. 125 saved	S.I. No. 163, r. 81 (3). S.I. No. 163, rr. 81 (3), 91 (4). S.I. No. 163, r. 81 (3). S.I. No. 1981, rr. 22, 23.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1956 Act or number of Measure or Statutory Instrument
3 & 4 Eliz. 2: c. 22	Pensions (India, Pakistan and Burma) Act, 1955.	S. 3 (1) ext. (mod.) ... Sch. 2 Pt. I para. 1 am. Sch. 2 Pt. II para. 1 am.	39, ss. 8 (1) (d), 13 (4). 39, ss. 8 (2) (a), 13 (4). 39, ss. 8 (2) (b), 13 (4).
c. 24	Requisitioned Houses and Housing (Amendment) Act, 1955.	S. 12 (1) (2) (4) rep. ...	33, s. 12 (4), sch. 3 Pt. I.
c. 25	Oil in Navigable Waters Act, 1955.	S. 25 (3). Apptd. day for whole Act (exc. s. 2 (3) (4)) (8.9.56).	S.I. No. 896.
4 & 5 Eliz. 2: c. 8	County Courts Act, 1955	S. 3 (1) rep.	46, s. 57 (2), sch. 2.
c. 16	Food and Drugs Act, 1955.	S. 113 mod.	S.I. No. 919.
c. 17	Finance (No. 2) Act, 1955	S. 1 (2)-(4) rep. S. 2. New rates enacted S. 4 (2) appl. (exc. proviso). Sch. 1 rep. Sch. 2 para. 1. New rates enacted. Sch. 2 para. 2 rep. Sch. 2 para. 3 appl. (saving). Sch. 2 para. 4 excl.	S.I. No. 384. 54, s. 29 (1) (2) 54, s. 25 (1). S.I. No. 384. 54, s. 29 (1) (2). 54, s. 44 (9), sch. 5 Pt. I. 54, s. 29 (3), sch. 4 para. 1 (1) (c), (2). 54, s. 29 (3), sch. 4 para. 6.
c. 26	Police (Scotland) Act, 1956.	S. 11 am. S. 37 excl. Apptd. day for whole Act (1.1.57).	1 (5 Eliz. 2), s. 1 (1). S.I. No. 1996. S.I. No. 1995.
c. 29	Dentists Act, 1956 ...	Apptd. day for whole Act (4.7.56).	S.I. No. 624.
c. 30	Food and Drugs (Scotland) Act, 1956.	Apptd. day for whole Act (1.8.56).	S.I. No. 955.
c. 39	Pensions (Increase) Act, 1956.	S. 11. Power to mod. Sch. 1 am.	53, s. 10 (4), sch. 1. S.I. Nos. 1105, 1456, 2046.
c. 46	Administration of Justice Act, 1956.	Apptd. day for ss. 1-8 26-31, 32 (4), 34, 35, 37, 39, 41, 56, and for consequential repeals (1.1.57). Apptd. day for ss. 9-14, 16-25, 32 (1)-(3), 33, 36, 38, 40, 42-44, 51-54, and for consequential repeals (16.7.56). Apptd. day for Pt. V (ss. 45-50) (1.1.57).	S.I. No. 1979. S.I. No. 1065. S.I. No. 2099.
c. 47	National Insurance Act, 1956.	S. 1. Apptd. day for all purposes (30.7.56).	S.I. No. 1071.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1956 Act or number of Measure or Statutory Instrument
4 & 5 Eliz. 2: c. 48	Sugar Act, 1956 ...	S. 35 (1). Apptd. days (1.1.57 and 31.3.57) fixed for various sections of Act not already in force.	S.I. No. 1637.
c. 50	Family Allowances and National Insurance Act, 1956.	S. 2 (5). Apptd. day (4.2.57).	S.I. No. 2107.
c. 51	Workmen's Compensation and Benefit (Supplementation) Act, 1956.	S. 6. Apptd. days fixed for certain purposes.	S.I. No. 1072.
c. 52	Clean Air Act, 1956 ...	S. 6 (3) (5) appl. (mod.) ...	S.I. No. 1199, reg. 15.
c. 51	Workmen's Compensation and Benefit (Supplementation) Act, 1956.	S. 2 (2). Apptd. day (28.8.56).	S.I. No. 1128.
c. 52	Clean Air Act, 1956 ...	Apptd. day (E.) (exc. ss. 1, 2, 5-9, 16, 19, 20, 22 (1) (a) (c) (d), (3), 35 (1) in pt., 35 (2), sch. 4 in pt.) (31.12.56).	S.I. No. 2022.
c. 52	Clean Air Act, 1956 ...	Apptd. day (S.) (exc. ss. 1, 2, 5-9, 16, 19, 20, 22 (1) (a) (c) (d), (3), 35 (1) in pt., 35 (2), sch. 4 in pt.) (31.12.56).	S.I. No. 2026.
c. 53	Teachers (Superannuation) Act, 1956.	S. 32 para. (2) rep. ...	75, s. 13 (2), sch. 2.
c. 58	Department of Scientific and Industrial Research Act, 1956.	Apptd. day for whole Act (7.11.56).	S.I. No. 1697.
c. 67	Road Traffic Act, 1956...	S. 55 (2). Apptd. days fixed for certain specified sections.	S.I. Nos. 1491, 1937.
c. 68	Restrictive Trade Practices Act, 1956.	S. 9 (1). Apptd. day in respect of certain agreements (30.11.56).	S.I. No. 1869.
c. 68	Restrictive Trade Practices Act, 1956.	S. 10 (3) saved	S.I. No. 1654.
c. 68	Restrictive Trade Practices Act, 1956.	S. 28. Apptd. day (31.10.56).	S.I. No. 1649.
c. 73	Crown Estate Act, 1956	S. 3 (3). Apptd. day (14.12.56).	S.I. No. 1890.

INDEX

TO THE

PUBLIC GENERAL ACTS

AND

CHURCH ASSEMBLY MEASURES OF 1956

N.B.—*The chapter references are to 4 & 5 Eliz. 2, except where otherwise stated.*

A

ABDUCTION. Provisions under Sexual Offences Act (c. 69, ss. 17–21) pp. 813–814

ACCIDENTS. Notification of, under Agriculture (Safety, Health and Welfare Provisions) Act (c. 49, s. 8) p. 347

ACT OF PARLIAMENT:

Consolidation Acts. *See* FOOD AND DRUGS (SCOTLAND) ACT; MEDICAL ACT; POLICE (SCOTLAND) ACT; SEXUAL OFFENCES ACT; THERAPEUTIC SUBSTANCES ACT.

Expiring laws continued (5 Eliz. 2, c. 4, s. 1) p. 1012

Local acts. Amendment, etc., under—

Administration of Justice Act (c. 46, sch. 2) p. 291

Criminal Justice Administration Act (c. 34, sch. 3) p. 181

Food and Drugs (Scotland) Act (c. 30, s. 59) p. 132

Medical Act (c. 76, sch. 5) p. 1004

Police (Scotland) Act (c. 26, s. 37) p. 46

Valuation and Rating (Scotland) Act (c. 60, s. 40, sch. 7) pp. 652, 668

Temporary acts. *See* HYDROCARBON OIL DUTIES (TEMPORARY INCREASE) ACT.

ADMINISTRATION OF JUSTICE ACT: c. 46 p. 245

PART I.—ADMIRALTY JURISDICTION AND OTHER PROVISIONS AS TO SHIPS

- § 1. Admiralty jurisdiction of the High Court, p. 247.
2. Admiralty jurisdiction of the Liverpool Court of Passage and county courts, p. 250.
3. Mode of exercise of Admiralty jurisdiction, p. 251.
4. Jurisdiction in personam of courts in collision and other similar cases, p. 252.
5. Wages, p. 253.
6. Courts in England and Wales not to have jurisdiction in cases falling within Rhine Convention, p. 254.
7. Repeals and savings, p. 254.
8. Supplemental and transitional provisions, p. 254.

PART II.—SUPREME COURT OF JUDICATURE

Appointment, etc., of official referees and other officers

9. Appointments of official referees to be made by Her Majesty, p. 255.
10. Qualifications, etc., of official referees and other officers, p. 255.
11. Appointment, etc., of deputy district registrars, p. 256.
12. Appointment, etc., of assistant district registrars, p. 257.
13. Power of one district registrar to act for another, p. 257.
14. Number of conveyancing counsel, p. 258.

Other provisions as to Supreme Court

15. Extension of power to make rules of court, and consequential and connected repeals, p. 258.
16. Repeal of enactments as to registration, etc., of warrants of attorney, cognovits, and consent judgments, p. 259.

ADMINISTRATION OF JUSTICE ACT—*continued.*PART II.—SUPREME COURT OF JUDICATURE—*continued.*

- § 17. Miscellaneous provisions as to probates and administrations, p. 259.
 18. Repeal of time limit for filing powers of attorney under the Trustee Act, 1925, s. 25, p. 260.
 19. Extension of time for laying Supreme Court accounts before Parliament, p. 260.
 20. Interpretation of Part II, p. 260.

PART III.—COUNTY COURTS

Appointment, etc., of judges and officers

21. Appointments of county court judges to be made by Her Majesty, p. 260.
 22. Temporary appointments of persons to act as judges, p. 261.
 23. Amendment as to appointment of deputy judge, p. 262.
 24. Persons capable of acting for registrar, p. 262.
 25. Status and pensions of assistant registrars, p. 262.

Other provisions as to county courts

26. Transfer to county court of money recovered in High Court by infants and others, p. 263.
 27. Penalty for non-attendance on judgment summons, p. 264.
 28. Miscellaneous amendments as to executions, p. 264.
 29. Increase of penalties for assaulting officers, rescuing goods seized and contempt of court, p. 266.
 30. Extension of powers of registrar as to stay or suspension of judgments and orders and stay of execution, p. 266.
 31. Miscellaneous procedural amendments, p. 266.
 32. Amendments as to the making of rules and orders, p. 267.
 33. Interpretation and citation of Part III, p. 268.

PART IV.—GENERAL PROVISIONS AS TO ENFORCEMENT OF JUDGMENTS AND ORDERS

34. Abolition of writs of elegit and repeal of enactments imposing charges on land, etc., p. 268.
 35. Power of courts to impose charges on land of judgment debtor, p. 269.
 36. Receivers, p. 269.
 37. Goods protected from seizure in execution, p. 270.
 38. Attachment of debts, p. 271.
 39. Execution of High Court judgments and orders in county court, p. 271.
 40. Effect of registration of judgments of courts outside England and Wales, p. 272.
 41. Execution by county court of judgments and orders of inferior courts, p. 272.
 42. Execution and enforcement of judgments and orders of the Court of Appeal, p. 273.
 43. Application to existing judgments, p. 273.
 44. Power to extend Part IV to inferior courts, p. 273.

PART V.—ADMIRALTY JURISDICTION AND ARRESTMENT OF SHIPS IN SCOTLAND

45. Jurisdiction in relation to collisions, etc., p. 273.
 46. Exclusion of jurisdiction in cases falling within Rhine Convention, p. 275.
 47. Arrest of ships on the dependence of an action or in rem, p. 275.
 48. Interpretation of Part V, p. 277.
 49. Repeals, p. 278.
 50. Application and commencement of Part V, p. 279.

PART VI.—MISCELLANEOUS AND SUPPLEMENTAL

51. Modification of Foreign Judgments (Reciprocal Enforcement) Act, 1933, in relation to certain parts of Her Majesty's dominions, p. 279.
 52. Funds in court in Lancashire Chancery Court, p. 280.
 53. Qualifications of Land Registrars, p. 280.
 54. Financial provisions, p. 280.
 55. and schedule 1. Provisions as to Northern Ireland, pp. 281, 283.
 56. Provisions as to Channel Islands, Isle of Man, colonies, protectorates, etc., p. 281.
 57. and schedule 2. Short title, repeal, extent and commencement, pp. 282, 291.
 Schedule 1. Provisions applicable to Northern Ireland.

Part I—Admiralty Jurisdiction and other Provisions as to Ships, p. 283.

Part II—Effect of Registration of Judgments of Courts outside Northern Ireland, p. 289.

Part III—Enactments repealed as respects Northern Ireland, p. 290.

- „ 2. Enactments repealed, p. 291.

ADMIRALTY JURISDICTION. *See* ADMINISTRATION OF JUSTICE ACT, PT. I.

ADULTERATION. Provisions under Food and Drugs (Scotland) Act (c. 30, ss. 1-5) pp. 91-94

ADVERTISEMENTS. Prohibition on, under Small Lotteries and Gaming Act (c. 45, s. 1 (2) (h)) p. 239

AGREEMENTS:

Between—

- London County Council and Minister of Transport (c. 67, s. 19 (5)) p. 711
 Ministers of the Crown and British Sugar Corporation (c. 48, s. 19) p. 319
 Effect on, under Slum Clearance (Compensation) Act (c. 57, s. 1) p. 598
 Enforcement and registration of. *See* RESTRICTIVE TRADE PRACTICES ACT, Pts. I, II.

AGRICULTURAL LAND AND HOLDINGS. Provisions under—

- Agriculture (Safety, Health and Welfare Provisions) Act (c. 49, ss. 3, 25) pp. 343, 354
 Agriculture (Silo Subsidies) Act (5 Eliz. 2, c. 5, s. 1) p. 1014
 Valuation and Rating (Scotland) Act (c. 60, s. 7) p. 630

AGRICULTURAL MORTGAGE CORPORATION ACT: c. 38 p. 186

- § 1. Amendment of powers of company with respect to issue of debenture stock, &c., and validation of certain debenture stock issued by it, p. 187.
 2. Increase of company's resources, p. 187.
 3. Saving of power to alter memorandum of association, p. 188.
 4. Short title, p. 188.

AGRICULTURAL RESEARCH ACT: c. 28 p. 54

- § 1. Provision for agricultural research, p. 54.
 2. Short title, commencement and extent, p. 55.

AGRICULTURE. *See* AGRICULTURAL MORTGAGE CORPORATION ACT; AGRICULTURAL RESEARCH ACT; AGRICULTURE (SAFETY, HEALTH AND WELFARE PROVISIONS) ACT; AGRICULTURE (SILO SUBSIDIES) ACT; HILL FARMING ACT.

AGRICULTURE, FISHERIES AND FOOD, MINISTER OF (*see also* AGRICULTURAL MORTGAGE CORPORATION ACT; SUGAR ACT). Powers and duties under—

- Agriculture (Safety, Health and Welfare Provisions) Act (c. 49, ss. 1 (7), 3, 17, 21 (1)) pp. 343, 351, 353
 Agriculture (Silo Subsidies) Act (5 Eliz. 2, c. 5, s. 1) p. 1014
 Hill Farming Act (c. 72, ss. 1, 2) p. 848

AGRICULTURE (SAFETY, HEALTH AND WELFARE PROVISIONS) ACT: c. 49 p. 341

Safety, Health and Welfare of Employees

- § 1. Regulations for securing safety and health of employees, p. 341.
 2. Lifting excessive weights, p. 343.
 3. General provisions as to sanitary conveniences and washing facilities, p. 343.
 4. Power to require provision of sanitary conveniences by agricultural contractors, p. 345.
 5. Power of sanitary authority to secure maintenance and cleanliness of sanitary conveniences, p. 345.
 6. First aid, p. 346.

Measures for avoiding Accidents to Children

7. Power to prohibit children from riding on or driving vehicles, machinery or implements used in agriculture, p. 346.

AGRICULTURE (SAFETY, HEALTH AND WELFARE PROVISIONS) ACT—continued.

Notification and Investigation of Accidents and Diseases

- § 8. Notification of, and keeping of records as to, accidents and diseases, p. 347.
- 9. Inquest in case of death by accident, p. 348.

Supplementary Provisions

- 10. Appointment of inspectors and their powers, p. 348.
- 11. Inspections by sanitary authority, p. 349.
- 12. Falsification of records, &c., p. 350.
- 13. Duties of employees, p. 350.
- 14. Punishment of offences, p. 350.
- 15. Penalty on persons actually committing offences for which others are liable, p. 351.
- 16. Defence available to persons charged with offences, p. 351.
- 17. Provisions as to exercise of regulation-making powers, p. 351.
- 18. Power to extend Act to certain persons employed otherwise than in agriculture. p. 351.
- 19. Power to exclude operation of provisions of the Factories Acts, 1937 and 1948, p. 352.
- 20. Form, and mode of service, of notices, p. 352.
- 21. Annual reports, p. 353.
- 22. Application to the Crown, p. 353.
- 23. Expenses, p. 353.
- 24. Interpretation, p. 353.
- 25. Application to Scotland, p. 354.
- 26. Short title and extent, p. 357.

AGRICULTURE (SILO SUBSIDIES) ACT: 5 Eliz. 2, c. 5 p. 1014

- § 1. Schemes for silo subsidies, p. 1014.
- 2. Expenses, p. 1016.
- 3. Short title, p. 1016.

AIR CORPORATIONS ACT: 5 Eliz. 2, c. 3 p. 1011

- § 1. Increase of borrowing powers of air corporations, p. 1011.
- 2. Short title, citation and repeal, p. 1012.

AIRCRAFT. Power to enter (c. 30, s. 37) p. 118

AIRPORTS. See LICENSING (AIRPORTS) ACT.

**ALKALI WORKS. Provisions under Clean Air Act (c. 52, s. 17, sch. 2)
pp. 392, 409**

**ALLOWANCES. See FAMILY ALLOWANCES AND NATIONAL INSURANCE ACT;
LOCAL AUTHORITIES (EXPENSES) ACT; TEACHERS (SUPERANNUATION) ACT;
WORKMEN'S COMPENSATION AND BENEFIT (SUPPLEMENTATION) ACT.**

ANIMALS:

- Control of dogs on roads (c. 67, s. 15) p. 707
- Diseases of (c. 46, ss. 7 (1), 49, 57 (2), sch. 2) ... pp. 254, 278, 282, 293
- Slaughter of (c. 30, s. 12) p. 99

**ANNUAL REPORT (see also PARLIAMENT). Provisions under Transport (Disposal
of Road Haulage Property) Act (c. 56, s. 2 (2)) p. 588**

ANNUITIES:

- Exemption from income tax of annuities paid to holders of V.C. (c. 54,
s. 14) p. 468
- Payment of deferred annuities under Teachers (Superannuation) Act (c. 53,
s. 31) p. 440
- Purchased life annuities (c. 54, ss. 22–38) pp. 478–494
- Stamp duties on contracts (c. 54, s. 38) p. 506

APOTHECARY. See MEDICAL ACT.

- APPEALS** (*see also* BRITISH CARIBBEAN FEDERATION ACT). Provisions under—
Agriculture (Safety, Health and Welfare Provisions) Act (c. 49, s. 3 (8)) p. 345
- Dentists Act (c. 29, s. 10) p. 61
Education (Scotland) Act (c. 75, s. 12) p. 955
Food and Drugs (Scotland) Act (c. 30, ss. 44, 50) pp. 123, 126
Magistrates' Courts (Appeals from Binding Over Orders) Act (c. 44, s. 1) p. 237
Police (Scotland) Act (c. 26, s. 19, sch. 2) pp. 37, 50
Road Traffic Act (c. 67, ss. 28, 47) pp. 721, 739
Slum Clearance (Compensation) Act (c. 57, s. 3 (3)) p. 602
Valuation and Rating (Scotland) Act (c. 60, ss. 5, 10 (2), 17) pp. 626, 635, 642
- APPROPRIATION ACT** (applying sums out of the Consolidated Fund for service of the year 1956–57): c. 55 p. 526
- APPROVED SCHOOLS, REMAND HOMES, ETC.** *See* CHILDREN AND YOUNG PERSONS ACT.
- ARBITRATION.** Provisions under—
Administration of Justice Act (c. 46, s. 15) p. 258
Copyright Act (c. 74, sch. 4, para. 6 (2)) p. 927
Food and Drugs (Scotland) Act (c. 30, s. 48) p. 125
Slum Clearance (Compensation) Act (c. 57, s. 3 (3)) p. 602
Underground Works (London) Act (c. 59, s. 8 (3)) p. 617
- ARMED FORCES.** Exemptions from income tax of annuities and pensions paid to holders of Victoria Cross (c. 54, s. 14) p. 468
- ARREST.** Power of, under Sexual Offences Act (c. 69, ss. 40, 41) p. 821
- ART, WORKS OF.** Acceptance of, in satisfaction of death duties (c. 54, s. 34) p. 504
- ASSAULT.** Penalties for assault of officers under Administration of Justice Act (c. 46, s. 29) p. 266
- ASSESSORS.** Appointment and duties under Valuation and Rating (Scotland) Act (c. 60, ss. 1–10) pp. 621, 635
- ASSIZES** (*see also* CRIMINAL JUSTICE ADMINISTRATION ACT). Establishment of new courts at Liverpool and Manchester (c. 34, s. 1) p. 160
- ASSURANCE COMPANIES.** Annuity business, taxation of (c. 54, s. 24)... .. p. 485
- ATTORNEY GENERAL.** Functions under—
Finance Act (c. 54, s. 5 (5) (6)) pp. 458, 459
Restrictive Trade Practices Act (c. 68, s. 23 (4)) p. 795
Solicitors (Amendment) Act (c. 41, s. 15) p. 220
- ATTORNEY-GENERAL FOR NORTHERN IRELAND.** Functions under Restrictive Trade Practices Act (c. 68, ss. 17, 23 (4)) pp. 789, 795
- AUDIENCE.** Right of, under—
Small Lotteries and Gaming Act (c. 45, s. 2 (2)) p. 241
Valuation and Rating (Scotland) Act (c. 60, s. 1 (7)) p. 623
- AUDIT.** Of accounts under—
Dentists Act (c. 29, sch. 1, para. 9) p. 84
Education (Scotland) Act (c. 75, ss. 8, 11) pp.
Police (Scotland) Act (c. 26, s. 17 (1) (e)) p. 35
Sugar Act (c. 48, s. 6 (3)) p. 304

B

- BANK.** Attachment of debts (c. 46, s. 38) p. 271
- BANKRUPTCY.** Provisions under Administration of Justice Act (c. 46, ss. 36, 40) pp. 269, 272
- BARRISTER.** Provisions under—
 Criminal Justice Administration Act (c. 34, s. 4) p. 165
 Dentists Act (c. 29, s. 8) p. 60
 Solicitors (Amendment) Act (c. 41, s. 14) p. 219
- BASTARDY.** Declaration of legitimacy (c. 46, s. 31) p. 266
- BEATTIE, CHARLES.** Indemnification of. *See* CHARLES BEATTIE INDEMNITY ACT.
- BEET.** *See* SUGAR ACT.
- BELFAST COUNTY COURT.** Admiralty jurisdiction (c. 46, sch. 1, para. 2) p. 285
- BENEFITS.** *See* WORKMEN'S COMPENSATION AND BENEFIT (SUPPLEMENTATION) ACT.
- BETTING.** *See* SMALL LOTTERIES AND GAMING ACT.
- BILLS OF EXCHANGE.** Stamp duty on cheques (c. 54, s. 39) p. 507
- BOROUGH COUNCIL.** Elections. *See* LOCAL GOVERNMENT ELECTIONS ACT.
- BRITISH BROADCASTING CORPORATION.** Copyright provisions (c. 74, s. 14, sch. 5) pp. 877, 929
- BRITISH CARIBBEAN FEDERATION ACT:** c. 63 p. 679
 1, and schedule. Power by Order in Council to establish federation, &c., pp. 679, 682.
 2. Power to confer on Federal Supreme Court jurisdiction to hear and determine appeals from courts of colonies outside federation and to dissolve West Indian Court of Appeal, p. 681.
 3. Grants to the Federal Government, p. 682.
 4. Expenses, p. 682.
 5. Repeal of 44 & 45 Vict. c. 36, p. 682.
 6. Short title, p. 682.
 Schedule. Colonies included in the Federation, p. 682.
- BRITISH EUROPEAN AIRWAYS CORPORATION.** Increase in borrowing powers (5 Eliz. 2, c. 3, s. 1) p. 1011
- BRITISH GUIANA.** Appeals from court of (c. 63, s. 2) p. 681
- BRITISH OVERSEAS AIRWAYS CORPORATION.** Increase in borrowing powers (5 Eliz. 2, c. 3, s. 1) p. 1011
- BRITISH STANDARDS INSTITUTION.** Provisions under Restrictive Trade Practices Act (c. 68, s. 7 (3)) p. 779
- BRITISH SUGAR CORPORATION, LIMITED.** Provisions under Sugar Act (c. 48, ss. 17-24) pp. 316-324
- BRITISH TRANSPORT COMMISSION** (*see also* TRANSPORT (DISPOSAL OF ROAD HAULAGE PROPERTY) ACT):
 Detention of vehicles belonging to (c. 30, s. 11) p. 98
 Functions under—
 Hydrocarbon Oil Duties (Temporary Increase) Act (5 Eliz. 2, c. 2, s. 2 (2)) p. 1009
 Underground Works (London) Act (c. 59, s. 7) p. 616

- BROADCASTS.** Application to, of Copyright Act (c. 74, ss. 14, 34, 40) pp. 877, 904, 909
- BUILDING BYELAWS.** Smoke abatement provisions under Clean Air Act (c. 52, s. 24) p. 397
- BUILDINGS:**
- Provision and acquisition of, under Police (Scotland) Act (c. 26, s. 15) p. 33
- Restrictions on, above or near subway (c. 59, s. 6) p. 615
- BURMA.** Pensions payable to persons resident in (c. 39, s. 8 (2)) ... p. 196
- BUS FARES.** See **OMNIBUS.**
- BYELAWS** (See also **BUILDINGS**). Hackney carriage provisions (5 Eliz. 2, c. 2⁴ s. 3) p. 1010

C

- CAPITAL EXPENDITURE.** Income tax relief for (c. 54, s. 15) p. 468
- CARIBBEAN FEDERATION.** See **BRITISH CARIBBEAN FEDERATION ACT.**
- CASE STATED.** Provisions under Valuation and Rating (Scotland) Act (c. 60, s. 14) p. 637
- CHANNEL ISLANDS.** Application to, of—
- Administration of Justice Act (c. 46, s. 56) p. 281
- Copyright Act (c. 74, s. 31) p. 901
- Teachers (Superannuation) Act (c. 53, s. 18 (6)) p. 432
- CHARITIES:**
- Exemption of certain small lotteries conducted for charitable purposes (c. 45, s. 1) p. 238
- Power of local authority to make grants towards adaptations to fireplaces in churches, chapels, etc. under Clean Air Act (c. 52, s. 15) ... p. 390
- Rates payable by charitable and other organisations (c. 60, s. 23) ... p. 645
- CHARLES BEATTIE INDEMNITY ACT:** c. 27 p. 53
- § 1. Indemnity, p. 53.
2. Short title, p. 53.
- CHARTERED ACCOUNTANTS.** Appointment of, under Sugar Act (c. 48 s. 6 (4)) p. 304
- CHEQUES.** Composition for duty on (c. 54, s. 39) p. 507
- CHILDREN AND YOUNG PERSONS** (see also **CHILDREN AND YOUNG PERSONS ACT; FAMILY ALLOWANCES AND NATIONAL INSURANCE ACT; INFANTS; OCCASIONAL LICENCES AND YOUNG PERSONS ACT; SEXUAL OFFENCES ACT**). Provisions under—
- Agriculture (Safety, Health and Welfare Provisions Act (c. 49, ss. 2, 7, 25 (7)) pp. 343, 345, 346
- Education (Scotland) Act (c. 75, s. 1) p. 947
- Road Traffic Act (c. 67, s. 10) p. 704
- CHILDREN AND YOUNG PERSONS ACT:** c. 24 p. 5
- § 1. Escapes from care of fit persons, p. 6.
2. Escapes from approved schools, p. 7.
3. Escapes from remand homes, etc., p. 8, 9.
4. and schedule. Consequential amendments and repeals, pp. 8, 9.
5. Interpretation, p. 8.
6. Short title, citation, extent and commencement, p. 8.
- Schedule: Consequential amendments of enactments, p. 9.

- CHURCH ASSEMBLY MEASURES. See PAROCHIAL CHURCH COUNCILS (POWERS) MEASURE; REPRESENTATION OF THE LAITY MEASURE.
- CHURCH COMMISSIONERS. Transfer to, of funds in court in Lancashire Chancery Court (c. 46, s. 52) p. 280
- CHURCHES, CHAPELS, ETC.:
- Exemption from rates (c. 60, s. 22) p. 1644
 - Power of local authority to make grant towards adaptations to fireplaces in, under Clean Air Act (c. 52, s. 15) p. 390
- CIDER. Excise duty on (c. 54, s. 2) p. 456
- CINEMATOGRAPH FILMS. Copyright in broadcasts (c. 74, s. 40) ... p. 909
- CIVIL AVIATION. See AIR CORPORATIONS ACT; LICENSING (AIRPORTS) ACT.
- CIVIL DEFENCE. Underground works in London. See UNDERGROUND WORKS (LONDON) ACT.
- CIVIL PROCEEDINGS. Recovery of moneys under Workmen's Compensation and Benefit (Supplementation) Act (c. 51, s. 4 (3))... .. p. 376
- CLEAN AIR ACT: c. 52 p. 379
- Dark Smoke*
- § 1. Prohibition of dark smoke from chimneys, p. 380.
 - 2. Temporary exemptions from section one, p. 381.
- Smoke from furnaces*
- 3. Requirement that new furnaces shall be so far as practicable smokeless, p. 382.
 - 4. Density meters, &c., p. 383.
- Grit and Dust from furnaces*
- 5. Requirement that grit and dust from furnaces shall be minimised, p. 383.
 - 6. Requirement that new furnaces shall be fitted with plant to arrest grit and dust, p. 383.
 - 7. Measurement of grit and dust emitted from furnaces, p. 384.
 - 8. Information about furnaces and fuel consumed, p. 385.
 - 9. Grit and dust from outdoor furnaces, &c., p. 385.
 - 10. Height of chimneys, p. 385.
- Smoke Control Areas*
- 11. and schedule 1. Smoke control areas, pp. 386, 408.
 - 12. Adaptation of fireplaces in private dwellings, p. 388.
 - 13. Exchequer contributions, p. 389.
 - 14. Interpretation of two last preceding sections, p. 389.
 - 15. Power of local authority to make grants towards adaptations to fireplaces in churches, chapels, buildings used by charities, &c., p. 390.
- Smoke nuisances*
- 16. Abatement of smoke nuisances, p. 391.
- Special cases*
- 17. and schedule 2, Relation to, and amendment of, Alkali Act, pp. 392, 409.
 - 18. Colliery spoilbanks, p. 394.
 - 19. Railway engines, p. 394.
 - 20. Vessels, p. 395.
 - 21. Exemption for purposes of investigations and research, p. 395.
 - 22. Crown premises, &c., p. 396.
- Clean Air Council*
- 23. Clean Air Council, p. 397.
- Miscellaneous provisions*
- 24. Building byelaws, p. 397.
 - 25. Powers of local authorities as to research and publicity, p. 398.
 - 26. Unjustified disclosures of information, p. 398.
 - 27. Penalties, p. 398.
 - 28. Power of county court to authorise works and order payments, p. 399.

CLEAN AIR ACT—*continued.**Miscellaneous provisions—continued.*

- § 29. Enforcement, p. 399.
 30. Duty to notify occupiers of offences, p. 400.
 31. and schedules 1 and 3, Application of Public Health Act, 1936, &c., p. 400, 408, 410.
 32. and schedule 3. Application of Act to London, p. 402, 410.
 33. Regulations, orders and administrative expenses, p. 403.
 34. Interpretation, p. 404.
 35. and schedule 4. Repeals and transitional provisions, pp. 406, 413.
 36. Provisions as to Northern Ireland, p. 407.
 37. Short title and commencement, p. 407.
 Schedule 1. Confirmation and coming into operation of orders of local authorities under section eleven, p. 408.
 „ 2. Amendments of Alkali, &c. Works Regulation Act, 1906, p. 409.
 „ 3. Modifications of, and provisions supplementary to, Public Health Acts, &c.
 Part I—Public Health Act, p. 410.
 Part II—Public Health (London) Act, 1936, p. 411.
 Part III—Scottish Enactments, p. 412.
 „ 4. Enactments repealed, p. 413.

CLEAN AIR COUNCIL. Appointment of (c. 52, s. 23) p. 397

CLERK OF THE PEACE. Criminal Justice Administration Act (c. 34, s. 5 (2)) p. 166

COAL INDUSTRY ACT: c. 61 p. 675

- § 1. Extension of power to make advances to National Coal Board, p. 675.
 2. Alteration of financial year of National Coal Board, p. 676.
 3. Citation and extent, p. 676.

COLLIERIES. Smoke provisions (c. 52, s. 18) p. 394

COLONIAL DEVELOPMENT CORPORATION. *See* OVERSEAS RESOURCES DEVELOPMENT ACT.

COMMISSIONERS OF CROWN LANDS. *See* CROWN ESTATE ACT.

COMMONWEALTH AND COLONIES (*see also* BRITISH CARIBBEAN FEDERATION ACT; GOVERNORS' PENSIONS ACT; OVERSEAS RESOURCES DEVELOPMENT ACT; PAKISTAN (CONSEQUENTIAL PROVISIONS) ACT):

Application to, of Copyright Act (c. 74, s. 31) p. 901
 Constitution of Leeward Islands Presidencies as separate Colonies. *See* LEEWARD ISLANDS ACT.

Income tax provisions relating to pensions (c. 54, s. 40) p. 508
 Registration of and qualification for dentist (c. 29, ss. 16, 17, sch. 1)

pp. 66, 67, 82

Registration of medical practitioner under Medical Act (c. 76, Pt. III) p. 975
 Sugar agreement with (c. 48, sch. 1) p. 337

COMPANIES. Provisions under—

Administration of Justice Act (c. 46, ss. 15, 36) pp. 258, 269

Finance Act (c. 54, Pt. IV) p. 494

Transport (Disposal of Road Haulage Property) Act (c. 56, s. 9, sch.)
 pp. 595, 597

COMPENSATION (*see also* **SLUM CLEARANCE (COMPENSATION) ACT**). Provisions under—

Food and Drugs (Scotland) Act (c. 30, ss. 9 (4), 48–51)	pp. 97, 125–126
Police (Scotland) Act (c. 26, s. 21)	p. 38
Underground Works (London) Act (c. 59, ss. 2, 6)	pp. 612, 615
Valuation and Rating (Scotland) Act (c. 60, s. 4)	p. 625

COMPTROLLER AND AUDITOR GENERAL. Functions under—

Finance Act (c. 54, s. 42 (7))	p. 511
Sugar Act (c. 48, ss. 6 (5), 18 (6))	pp. 304, 319
Transport (Disposal of Road Haulage Property) Act (c. 56, s. 8 (4))	p. 596

COMPULSORY PURCHASE. Provisions under—

Finance Act (c. 54, s. 33)	p. 501
Food and Drugs (Scotland) Act (c. 30, s. 53)	p. 127
Police (Scotland) Act (c. 26, s. 15)	p. 33
Slum Clearance (Compensation) Act (c. 57, ss. 1, 2)	pp. 598, 600

CONSOLIDATED FUND (*see also* **APPROPRIATION ACT**; **CONSOLIDATED FUND Act**). Charges out of, under—

Air Corporations Act (5 Eliz. 2, c. 3, s. 1)	p. 1011
Restrictive Trade Practices Act (c. 68, s. 35 (2))	p. 803

CONSOLIDATED FUND ACT: c. 32 p. 139**CONTRACT**. *See* **RESTRICTIVE TRADE PRACTICES ACT**.**COPYRIGHT ACT**: c. 74 p. 853**PART I.—COPYRIGHT IN ORIGINAL WORKS**

- § 1. Nature of copyright under this Act, p. 855.
2. Copyright in literary, dramatic and musical works, p. 856.
3. Copyright in artistic works, p. 858.
4. Ownership of copyright in literary, dramatic, musical and artistic works p. 859.
5. Infringements by importation, sale and other dealings, p. 859.
6. General exceptions from protection of literary, dramatic and musical works, p. 861.
7. Special exceptions as respects libraries and archives, p. 862.
8. Special exception in respect of records of musical works, p. 866.
9. General exceptions from protection of artistic works, p. 869.
- 10, and schedule 1. Special exception in respect of industrial designs, pp. 871, 924.
- 11, and schedules 2, 3. Provisions as to anonymous and pseudonymous works, and works of joint authorship, pp. 873, 925.

PART II.—COPYRIGHT IN SOUND RECORDINGS, CINEMATOGRAPH FILMS, BROADCASTS, ETC.

12. Copyright in sound recordings, p. 873.
13. Copyright in cinematograph films, p. 875.
14. Copyright in television broadcasts and sound broadcasts, p. 877.
15. Copyright in published editions of works, p. 880.
16. Supplementary provisions for purposes of Part II, p. 880.

PART III.—REMEDIES FOR INFRINGEMENTS OF COPYRIGHT

17. Action by owner of copyright for infringement, p. 881.
18. Rights of owner of copyright in respect of infringing copies, etc., p. 882.
19. Proceedings in case of copyright subject to exclusive licence, p. 884.
20. Proof of facts in copyright actions, p. 886.
21. Penalties and summary proceedings in respect of dealings which infringe copyright, p. 888.
22. Provision for restricting importation of printed copies, p. 889.

COPYRIGHT ACT—*continued.*

PART IV.—PERFORMING RIGHT TRIBUNAL

- § 23, and schedule 4. Establishment of tribunal, pp. 891, 927.
 24, and schedule 5. General provisions as to jurisdiction of tribunal, pp. 891, 929.
 25. Reference of licence schemes to tribunal, p. 893.
 26. Further reference of scheme to tribunal, p. 894.
 27. Applications to tribunal, p. 895.
 28. Exercise of jurisdiction of tribunal in relation to diffusion of foreign broadcasts, p. 897.
 29. Effect of orders of tribunal, and supplementary provisions relating thereto, p. 898.
 30, and schedule 4. Reference of questions of law to the court, pp. 899, 927.

PART V.—EXTENSION OR RESTRICTION OF OPERATION OF ACT

31. Extension of Act to Isle of Man, Channel Islands, colonies and dependencies, p. 901.
 32. Application of Act to countries to which it does not extend, p. 902.
 33. Provisions as to international organisations, p. 903.
 34. Extended application of provisions relating to broadcasts, p. 904.
 35. Denial of copyright to citizens of countries not giving adequate protection to British works, p. 904.

PART VI.—MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

36. Assignments and licences in respect of copyright, p. 905.
 37, and schedule 5. Prospective ownership of copyright, pp. 906, 929.
 38. Copyright to pass under will with unpublished work, p. 907.
 39. Provisions as to Crown and Government departments, p. 907.
 40. Broadcasts of sound recordings and cinematograph films, and diffusion of broadcast programmes, p. 909.
 41. Use of copyright material for education, p. 910.
 42. Special provisions as to public records p. 911.
 43. False attribution of authorship, p. 912.
 44. Amendments of Registered Designs Act, 1949, p. 914.
 45, and schedule 6. Amendment of Dramatic and Musical Performers' Protection Act 1925, pp. 915, 930.
 46. Savings p. 916.
 47, and schedule 4. General provisions as to Orders in Council, regulations rules and orders and as to Board of Trade, pp. 916, 927.
 48. Interpretation p. 917.
 49. Supplementary provisions as to interpretation p. 921.
 50, and schedules 7-9. Transitional provisions and repeals pp. 923, 932, 942, 945.
 51. Short title, commencement and extent, p. 924.
 Schedule 1. False Registration of Industrial Designs, p. 924.
 „ 2. Duration of Copyright in Anonymous and Pseudonymous Works, p. 925.
 „ 3. Works of Joint Authorship, p. 925.
 „ 4. Provisions as to Performing Right Tribunal p. 927.
 „ 5. Appointment of Television Copyright Organisations by British Broadcasting Corporation and Independent Television Authority, p. 929.
 „ 6. Amendment of Dramatic and Musical Performers' Protection Act, 1925, p. 930.
 „ 7. Transitional Provisions, p. 932.
 „ 8. Provisions of Copyright Act, 1911, and Rules, referred to in Seventh Schedule, p. 942.
 „ 9. Enactments Repealed, p. 945.

CORONER. Duties under—

- Agriculture (Safety, Health and Welfare Provisions) Act (c. 49, s. 9) p. 348
 Road Traffic Act (c. 67, s. 8) p. 702

CORPORATION:

Establishment of, under—

- Department of Scientific and Industrial Research Act (c. 58, s 2 (2)) p. 607
 Medical Act (c. 76, s. 1 (2)) p. 961
 Sugar Act (c. 48, s. 2, sch. 2 para. 1) pp. 300, 337

CORPORATION—*continued.*

Offences by, under—

Agriculture (Safety, Health and Welfare Provisions) Act (c. 49, s. 14 (3))	...	...	...	...	...	...	...	...	...	p. 350
Food and Drugs (Scotland) Act (c. 30, s. 41)	...	...	...	...	...	...	...	...	...	p. 120
Restrictive Trade Practices Act (c. 68, s. 16 (4))	...	...	...	...	...	...	...	...	...	p. 788
Sugar Act (c. 48, s. 15 (5) (d))	...	...	...	...	...	...	...	...	...	p. 315
Therapeutic Substances Act (c. 25, s. 12 (2))	...	...	...	...	...	...	...	...	...	p. 19
Restrictions on, under Dentists Act (c. 29, s. 24, sch. 1 para. 1)	...	...	...	...	...	...	...	...	...	pp. 73, 82

COUNCIL FOR SCIENTIFIC AND INDUSTRIAL RESEARCH. Constitution of (c. 58, s. 1)	p. 606
---	-----	-----	-----	-----	-----	-----	-----	-----	-----	--------

COUNTY COURTS. *See* ADMINISTRATION OF JUSTICE ACT, PT. III; SUMMARY JURISDICTION.

COURTHOUSES. Provisions under Criminal Justice Administration Act (c. 34, s. 8)	p. 168
---	-----	-----	-----	-----	-----	-----	-----	-----	-----	--------

COURT OF SESSION. Powers under—

Copyright Act (c. 74, s. 30 (5) (6))	...	...	...	...	...	...	...	...	...	p. 900
Education (Scotland) Act (c. 75, s. 12)	...	...	...	...	...	...	...	...	...	p. 955
Food and Drugs (Scotland) Act (c. 30, sch. 1 para. 9)	...	...	...	...	...	...	...	...	...	p. 135
Restrictive Trade Practices Act (c. 68, ss. 15 (4), 18 (4), 32)	...	...	...	...	...	...	...	...	...	pp. 788, 790, 802
Therapeutic Substances Act (c. 25, s. 2 (6))	...	...	...	...	...	...	...	...	...	p. 14

CRIMINAL JUSTICE ADMINISTRATION ACT: c. 34...	p. 159
---	-----	-----	-----	-----	-----	-----	-----	-----	-----	--------

PART I.—NEW ARRANGEMENTS AS TO ADMINISTRATION OF JUSTICE IN LANCASHIRE

- § 1. Establishment of new courts at Liverpool and Manchester for criminal trials, p. 160.
2. Effect of establishment of Crown Courts, p. 161.
3. Additional jurisdiction of Crown Courts as courts of quarter sessions for Liverpool and Manchester, p. 164.
4. Status, salary and pension of Recorders of Liverpool and Manchester, p. 165.
5. Officers of Crown Courts, p. 166.
6. Divisions of Lancashire for assizes, p. 167.
7. Transfer to Lancashire of the part of Stockport now in Cheshire, p. 168.
8. Provision of assize courts, etc., p. 168.
9. Sharing of costs of assize courts and jury service among local authorities, p. 169.
10. Expenses other than expenses of provision of assize courts, etc., p. 171.
- 11, and schedule 1. Supplementary, pp. 172, 178.

PART II.—MISCELLANEOUS AMENDMENTS

12. Extension of Administration of Justice (Miscellaneous Provisions) Act, 1938, s. 2, p. 172.
13. Retirement or removal of recorder and others, p. 172.
14. Remuneration of temporary recorders, p. 173.
15. Additional courts of quarter sessions in boroughs, p. 173.
- 16, and schedule 2. Transfer to the Lord Chancellor or the Chancellor of the Duchy of Lancaster of certain functions of the Secretary of State, pp. 174, 179.
17. Exemption of boroughs with separate commissions of the peace from county contributions for magistrates' courts, etc., p. 174.
18. Constitution for purposes of appeals of court of quarter sessions for London, p. 175.
19. Transfer of power to make rules of court under Criminal Appeal Act, 1907, and rules under Indictments Act, 1915, p. 176.
20. Transcript of shorthand notes of trial on indictment, p. 177.

PART III.—SUPPLEMENTARY

- 21, and schedule 3. Short title, extent and repeal, pp. 177, 181.
- Schedule 1. Transitional provisions in connection with Part I, p. 178.
- „ 2. Appointment etc. of deputy stipendiary magistrate, p. 179.
- „ 3. Repeals, p. 181.

CRIMINAL PROCEDURE (*see also* ADMINISTRATION OF JUSTICE ACT; CRIMINAL JUSTICE ADMINISTRATION ACT; SEXUAL OFFENCES ACT). Provisions under Restrictive Trade Practices Act (c. 68, ss. 16, 17) ... pp. 788, 789

CROWN (*see also* CROWN COURTS; CROWN ESTATE ACT). Provisions under—
 Agriculture (Safety, Health and Welfare Provisions) Act (c. 49, s. 22) p. 353
 Clean Air Act (c. 52, s. 22, sch. 3) ... pp. 396, 410
 Copyright Act (c. 74, s. 39, sch. 7 Pt. VI paras. 30–33) ... pp. 899–903
 Department of Scientific and Industrial Research Act (c. 58, ss. 1–5) pp. 606–609
 Food and Drugs (Scotland) Act (c. 30, s. 52) ... p. 126
 Road Traffic Act (c. 67, s. 53) ... p. 743
 Therapeutic Substances Act (c. 25, s. 9 (2) (g)) ... p. 18

CROWN COURTS. *See* CRIMINAL JUSTICE ADMINISTRATION ACT.

CROWN ESTATE ACT: c. 73 ... p. 849
 § 1. Reconstitution of Commissioners of Crown Lands as Crown Estate Commissioners, p. 849.
 2. Further provisions as to Crown Estate Commissioners, p. 851.
 3, and schedule. Short title, repeals, interpretation and extent, pp. 851, 852.
 Schedule. Repeals, p. 852.

CUSTOMS AND EXCISE (*see also* FINANCE ACT, Pt. I). Provisions under—
 Copyright Act (c. 74, s. 22) ... p. 889
 Food and Drugs (Scotland) Act (c. 30, ss. 11 (3), 26) ... pp. 98, 110
 Hydrocarbon Oil Duties (Temporary Increase) Act (5 Eliz. 2, c. 2, s. 1) ... p. 1008
 Sugar Act (c. 48, ss. 7 (3), 10, 11, 16 (3), 29) pp. 305, 309, 310, 315, 331

CYCLE RACING. Regulation of, under Road Traffic Act (c. 67, s. 13) p. 706

D

DANGEROUS DRIVING. Provisions under Road Traffic Act (c. 67, ss. 8, 11) ... pp. 702, 704

DEATH DUTIES. *See* FINANCE ACT, Pt. V.

DEATH GRATUITIES. Governors of dominions (c. 64, s. 7) ... p. 686

DEBENTURE STOCK.
 Issue of, to Agricultural Mortgage Corporation (c. 38, s. 1 (1)) ... p. 187
 Power of Treasury to guarantee. Provisions under Sugar Act (c. 48, s. 22) p. 322

DEBTS, ATTACHMENT OF. Provisions under Administration of Justice Act (c. 46, s. 38) ... p. 271

DECLARATION:
 Before receipt of payment out of grant for half-pay service (c. 55, s. 6 (1)) ... p. 528
 By police constable on appointment (c. 26, s. 8) ... p. 129

DEFAULT. Provisions under—
 Restrictive Trade Practices Act (c. 68, s. 18) ... p. 789
 Sugar Act (c. 48, s. 26) ... p. 326

DENTAL PRACTITIONERS (*see also* DENTISTS ACT). Provisions under Therapeutic Substances Act (c. 25, ss. 10, 11) ... pp. 18, 19

DENTAL TREATMENT (*see also* DENTISTS ACT). Duties of education authorities to provide (c. 75, s. 6) p. 950

DENTISTS ACT: c. 29 p. 55

The General Dental Council

§ 1, and schedule 1. Establishment of General Dental Council, pp. 56, 82.

Dissolution of Dental Board

2. Dissolution of Dental Board and consequential provisions, p. 57.

Dental education and examinations

3, and schedule 1. The Education Committee, pp. 57, 82.

4. Appointment of visitors of dental schools, p. 57.

5. Transfer of functions relating to courses of study and examinations, p. 58.

Disciplinary provisions

6, and schedule 1. Transfer of disciplinary duties to committees of the Council, pp. 58, 82.

7. Proceedings in disciplinary cases, p. 59.

8. Assessor in disciplinary cases, p. 60.

9. Adoption in disciplinary cases of findings of fact in other proceedings, p. 61.

10. Appeals in disciplinary cases, p. 61.

11. Restoration of name erased in a disciplinary case, p. 62.

12. Co-operation with Dental Board of Republic of Ireland, p. 62.

13. Transitional provisions, p. 63.

The register

14. Power to make regulations, p. 64.

15. Miscellaneous amendments relating to register, p. 65.

16, and schedule 1. Registration in Commonwealth and foreign lists, pp. 66, 82.

17. Persons in Commonwealth and foreign lists qualifying for registration in main list, p. 67.

Ancillary Dental Workers

18. Power of Council to create classes of ancillary dental workers, p. 68.

19. Restrictions on employment of ancillary dental workers, p. 70.

20, and schedule 1. Duty to make arrangements for experimental scheme, pp. 71, 82.

21. Termination of experimental scheme, p. 72.

22, and schedule 1. Establishment of Ancillary Dental Workers Committee, pp. 73, 82.

Restrictions on carrying on the business of dentistry

23. Restriction on individuals, p. 73.

24. Restrictions on bodies corporate, p. 73.

25. Exemptions, p. 75.

26. Meaning of "business of dentistry", p. 76.

Miscellaneous

27. Use by unregistered persons of titles and descriptions connected with dentistry, p. 77.

28. Prohibition on practice of dentistry by laymen, p. 77.

29. Conditions under which students may undertake dental work, p. 77.

30. Use by dentists of titles and descriptions, p. 78.

31. Minor amendments, p. 79.

Supplemental

32. Service of notices by registrar, p. 79.

33. Evidence in proceedings before Council and Disciplinary Committee, p. 79.

34. Rules, regulations, orders and other instruments, p. 80.

35. Interpretation, p. 80.

36. Application to Northern Ireland, p. 81.

37, and schedule 2. Short title, citation, repeals and commencement, pp. 81, 87.

Schedule 1. The General Dental Council and its Committees, p. 82.

„ 2. Enactments repealed, p. 87.

DEPARTMENTAL ROAD SAFETY COMMITTEE. Functions under Road Traffic Act (c. 67, s. 4 (5)) p. 699

DEPARTMENT OF SCIENTIFIC AND INDUSTRIAL RESEARCH ACT: c. 58 p. 606

§ 1. Reorganisation of scientific and industrial research, p. 606.

2. The Research Council, p. 607.

3. Expenses and payments, p. 608.

4. Revocations, transitional provisions, etc., p. 609.

5. Short title and commencement, p. 609.

- DIRECTOR OF PUBLIC PROSECUTIONS.** Consent of, to proceedings, under Restrictive Trade Practices Act (c. 68, s. 17 (1)) p. 789
- DISEASES.** Notification of and keeping of records as to (c. 49, s. 8) ... p. 347
- DISPUTES.** Provisions under—
- Copyright Act (c. 74, s. 25) p. 893
 - Finance Act (c. 54, s. 10 (3)) p. 464
 - Food and Drugs (Scotland) Act (c. 30, s. 48) p. 125
 - Sugar Act (c. 48, s. 24) p. 323
 - Underground Works (London) Act (c. 59, s. 4 (4)) p. 614
- DISQUALIFICATION** (*see also* CHARLES BEATTIE INDEMNITY ACT; VALIDATION OF ELECTIONS (NORTHERN IRELAND) ACT). Provisions under—
- Dentists Act (c. 29, sch. 1 para. 7) p. 84
 - Road Traffic Act (c. 67, ss. 26–28, sch. 4) pp. 719–721, 749
- DISTRICT COUNCIL.** Elections. *See* LOCAL GOVERNMENT ELECTIONS ACT.
- DISTRICT REGISTRARS.** Appointment and powers of (c. 46, ss. 11–13, 24, 25, 30, 31) pp. 256–257, 262, 260
- DOGS.** Control of, on roads (c. 67, s. 15) p. 707
- DOMINIONS.** Pensions of Governors of. *See* GOVERNORS' PENSIONS ACT.
- DRAMA.** Copyright provisions (c. 74, s. 45) p. 915
- DREDGING.** Income tax allowances for expenditure on (c. 54, s. 17)... p. 471
- DRIVING LICENCES:**
- Disqualification for holding (c. 67, ss. 26–28, sch. 4)... pp. 719–21, 749
 - Production and surrender of (c. 67, s. 31) p. 722
 - Provisional licences (c. 67, s. 18) p. 709
- DRIVING TESTS:**
- Exemption from (c. 67, s. 16) p. 708
 - Vehicles grouped for purposes of (c. 67, s. 17) p. 708
- DRUGS.** *See* FOOD AND DRUGS (SCOTLAND) ACT.
- DRUNKENNESS.** Penalties on persons in charge of vehicles (c. 67, ss. 9, 39 (1)) pp. 703, 732
- DUCHY OF LANCASTER, CHANCELLOR OF.** Transfer to, of functions under Criminal Justice Administration Act (c. 34, s. 16 (2)) p. 174

E

- EARNED INCOME.** Tax relief on annuities (c. 54, s. 22) p. 478
- EDUCATION** (*see also* EDUCATION (SCOTLAND) ACT; TEACHERS (SUPERANNUATION) ACT):
- Dental education (c. 29, ss. 3–5, 29) pp. 57–58, 77
 - Medical education. *See* MEDICAL ACT, PT. II.
 - Transport for pupils (c. 67, sch. 8 para. 41) p. 767
 - Use of copyright material in (c. 74, s. 41) p. 910
- EDUCATION, MINISTER OF** (*see also* TEACHERS (SUPERANNUATION) ACT). Powers and duties under Pensions (Increase) Act (c. 39, sch. 2, para. 7) p. 204

EDUCATION (SCOTLAND) ACT: c. 75 p. 946

- § 1. Safety of pupils going to and from school, p. 947.
 2. Amendment of s. 7 of principal Act, p. 948.
 3. Further provision as to enforcement of attendance at school, p. 948.
 4. Amendment of s. 43 of principal Act, p. 949.
 5. Provision of transport and travelling expenses, p. 949.
 6. Duties of education authorities as to dental treatment, p. 950.
 7. Discontinuance of provision for inspection of schools at request of managers, p. 951.
 8. Accountant's annual report, p. 951.
 9. Training of teachers and certificates of competency, p. 952.
 10. Replacement of Teachers Superannuation Scheme, p. 953.
 11. Accounts and audit of educational endowments, p. .
 12. Appeal against educational endowment schemes on questions of law, p. .
 13, and schedules 1 and 2. Minor and consequential amendments and repeals, pp. , .
 14. Citation, extent, commencement and construction,
 Schedule 1. Minor and consequential amendments.
 „ 2. Enactments repealed.

ELECTIONS (*see also* LOCAL GOVERNMENT ELECTIONS ACT; VALIDATION OF ELECTIONS (NORTHERN IRELAND) ACT). Local government franchise (c. 60, s. 35) p. 650

ELECTRICITY. Provisions under—

- Finance Act (c. 54, s. 42) p. 510
 Underground Works (London) Act (c. 59, s. 8) p. 616

EMPIRE GOODS. Customs preference (c. 54, s. 4) p. 457

EMPLOYMENT:

- Agriculture: safety provisions. *See* AGRICULTURE (SAFETY, HEALTH AND WELFARE PROVISIONS) ACT.
 Income tax where person employed outside U.K. (c. 54, ss. 10, 11, sch. 2) pp. 464, 465, 514
 Seamen: restrictions on suits for wages (c. 46, s. 5) p. 253
 Sugar Corporation: wages and conditions of employment of employees of (c. 48, s. 24) p. 323

ENDOWMENTS. Appeals against educational endowment schemes on questions of law (c. 75, s. 12) p. 955

ENTERTAINMENT. Exemption of small gaming parties from gaming law (c. 45, s. 4) p. 242

ENTRY, RIGHT OF. Provisions under—

- Agriculture (Safety, Health and Welfare Provisions) Act (c. 49, s. 11) p. 349
 Food and Drugs (Scotland) Act (c. 30, ss. 36, 37) pp. 116, 118
 Police (Scotland) Act (c. 26, s. 28) p. 42

ESTATE DUTY. Finance Act provisions (c. 54, ss. 19, 32–36, 40, 41) pp. 474, 499–505

EVIDENCE: Provisions under—

- Copyright Act (c. 74, s. 20) p. 886
 Dentists Act (c. 29, s. 33) p. 79
 Food and Drugs (Scotland) Act (c. 30, ss. 42, 44, 56 (8)) pp. 122, 123, 128
 Restrictive Trade Practices Act (c. 68, ss. 1 (5), 11 (7)) pp. 774, 784
 Road Traffic Act (c. 67, ss. 32 (1), 36 (7)) pp. 723, 731
 Sexual Offences Act (c. 69, s. 39) p. 820

EXCHEQUER (*see also* CONSOLIDATED FUND ACT; HOUSING SUBSIDIES ACT).

Payments into, under—

Housing Subsidies Act (c. 33, s. 10 (2))	...	...	...	...	p. 149
Police (Scotland) Act (c. 26, s. 39 (2))	...	...	...	...	p. 47
Restrictive Trade Practices Act (c. 68, s. 35 (3))	...	...	...	...	p. 803
Road Traffic Act (c. 67, s. 52)	...	...	...	...	p. 742
Sugar Act (c. 48, s. 5 (5), 12 (2), 22 (2))	...	...	...	pp.	303, 311, 322
Teachers (Superannuation) Act (c. 53, s. 39)	...	...	...	...	p. 448
Underground Works (London) Act (c. 59, s. 9)	...	...	...	...	p. 617

EXCHEQUER GRANTS. Provisions under Valuation and Rating (Scotland) Act (c. 60, ss. 26, 27, 29, sch. 6) pp. 647-9, 666

EXCISE. *See* CUSTOMS AND EXCISE.

EXECUTORS AND ADMINISTRATORS. Provisions under—

Administration of Justice Act (c. 46, ss. 17, 31, 36-38, 42)	...	...	...	...	pp. 259, 266, 269-271, 273
Finance Act (c. 54, s. 41)	...	...	...	...	p. 510

EXPIRING LAWS CONTINUANCE ACT: 5 Eliz. 2, c. 4 p. 1012

§ 1, and Schedule. Continuance of Acts in Schedule, pp. 1012, 1013.

2. Short title and application to Northern Ireland, p. 1013.
Schedule, p. 1013.

F**FACTORIES:**

Health and safety provisions (c. 52, s. 18)	...	...	...	...	p. 394
Income tax allowances in respect of (c. 54, s. 18)	...	...	...	...	p. 474
Power to exclude Factories Acts provisions (c. 49, s. 19)	...	...	...	...	p. 352

FAMILY ALLOWANCES AND NATIONAL INSURANCE ACT: c. 50 p. 358

- Increase of family allowances and extension of definition of child for purposes of family allowances and national insurance benefits, p. 358
 - and schedule. Provisions as to national insurance benefits for widows, pp. 359, 367.
 - Validation of certain marriages for purposes of family allowances and national insurance benefits, p. 361.
 - Reciprocal arrangements with other countries in connection with family allowances, p. 361.
 - Return to family of persons committed to care of local authority, p. 362.
 - and schedule. Appointed day and transitional provisions, pp. 363, 367.
 - Expenses, p. 365.
 - Provision as to Northern Ireland, p. 366.
 - Citation, construction, etc., p. 366.
- Schedule. Amendments of certain enactments, p. 367.

FARES. Increase in. *See* HYDROCARBON OIL DUTIES (TEMPORARY INCREASE) ACT.

FEES. Payment of, under—

Dentists Act (c. 29, s. 18 (7), sch. 1, para. 9)	...	...	...	pp.	69, 84
Food and Drugs (Scotland) Act (c. 30, s. 27 (4))	...	...	...	...	p. 111
Road Traffic Act (c. 67, s. 48)	...	...	...	...	p. 740
Solicitors (Amendment) Act (c. 41, s. 13)	...	...	...	...	p. 218

FILMS:

Copyright in. *See* COPYRIGHT ACT.

Exemption from customs duties of films produced by United Nations (c. 54, s. 6) p. 459

FINANCE. See APPROPRIATION ACT; CONSOLIDATED FUND ACT; FINANCE ACT.

FINANCE ACT: c. 54 p. 454

PART I.—CUSTOMS, EXCISE AND PURCHASE TAX

Customs and excise

- § 1, and schedule 1. Tobacco, pp. 456, 513.
- 2. Excise duty on strengthened cider and perry, p. 456.
- 3. Retail sales of small quantities of wines and spirits, p. 457.
- 4. Customs preference on Empire goods consigned from Beira or Lourenço Marques, p. 457.
- 5. Amendment of Vehicles (Excise) Act, 1949, p. 457.
- 6. Exemption from customs duties of films produced by the United Nations, p. 459.

Purchase tax

- 7. Charge of purchase tax on conversion of goods vehicle to passenger vehicle or the like, p. 459.

PART II.—INCOME TAX (CHARGE OF TAX, AND GENERAL)

- 8. Charge of income tax for 1956–57, p. 462.
- 9. Relief from income tax on certain savings bank interest, p. 462.
- 10, and schedule 2. Offices and employments, pp. 464, 514.
- 11. Residence of persons working abroad, p. 405.
- 12. Relief from tax on delayed remittances of overseas income, p. 466.
- 13. Relief for contributions to House of Commons Members' Fund, p. 468.
- 14. Victoria Cross, p. 468.
- 15. Suspension of investment allowances (with certain exceptions), p. 468.
- 16. Capital allowances for industrial buildings (expenditure on cutting, tunnelling, etc.), p. 470.
- 17. Capital allowances for expenditure on dredging, p. 471.
- 18. Further continuation of mills, factories allowances, p. 474.
- 19. Relief from surtax for estate duty on accrued income, p. 474.
- 20. Power to obtain information as to fees, commissions, etc., p. 476.
- 21. Place of assessment under Schedule D, p. 478.

PART III.—INCOME TAX (RETIREMENT AND OTHER ANNUITIES)

Retirement annuities and related matters

- 22. Retirement annuities (relief for premiums, and earned income relief), p. 478.
- 23, and schedule 3. Nature and amount of relief for qualifying premiums, pp. 482, 516.
- 24. Taxation of assurance companies doing annuity business, p. 485.
- 25. Application to new exemptions of Finance (No. 2) Act, 1955, s. 4, p. 488.
- 26. Amendments as to friendly societies and trade unions, p. 489.

Annuities other than retirement annuities

- 27. Purchased life annuities, other than retirement annuities, p. 490.

Supplementary

- 28. Procedure, p. 493.

PART IV.—THE PROFITS TAX

- 29, and schedule 4. Increase of profits tax, pp. 494, 518.
- 30. Groups of companies, p. 495.
- 31. Extent to which sums applied in reducing share capital etc. are to be treated as distributions, p. 497.

PART V.—DEATH DUTIES

- 32. Settled property charged with annuity, p. 499.
- 33. Relief in cases of compulsory purchase, p. 501.
- 34. Acceptance of works of art in satisfaction of death duties, and amendment as to exemption, p. 504.
- 35. Aggregation of certain annuity contracts, etc., p. 504.
- 36. Settled property passing on death of husband and wife, p. 505.

PART VI.—STAMP DUTIES

- 37. Conveyances on sale, p. 505.
- 38. Annuity contracts and life insurance policies, p. 506.
- 39. Composition for duty on cheques, etc., p. 507.

FINANCE ACT—*continued.*

PART VII.—MISCELLANEOUS

- § 40. Indian, Pakistan and colonial pensions (income tax and estate duty), p. 508.
 41. Interests in unadministered estates (income tax and estate duty), p. 510.
 42. Exchequer advances to nationalised industries and undertakings, p. 510.
 43. Amendment of National Loans Act, 1939, p. 511.
 44. and schedule 5. Short title, etc., pp. 512, 522.
 Schedule 1. Tobacco (rates of duty and drawback), p. 513.
 „ 2. Offices and employments (provisions applicable to Cases I, II and III of Schedule E), p. 514.
 „ 3. Retirement Annuities (adjustments of limit on qualifying premiums), p. 516.
 „ 4. Profits tax (provisions consequential on change of rate of tax or of relief for non-distribution), p. 518.
 „ 5. Repeals, p. 522.

FIRE SERVICES. See PENSIONS (INCREASE) ACT; POLICE, FIRE AND PROBATION OFFICERS REMUNERATION ACT.

FIRE SERVICE PENSIONS (c. 39, s. 7, sch. 1) pp. 193, 200

FIRST AID. Provision of, under Agriculture (Safety, Health and Welfare Provisions) Act (c. 49, s. 6) p. 346

FLEMING, HENRY. See VALIDATION OF ELECTIONS (NORTHERN IRELAND) ACT.

FOOD AND DRUGS. See FOOD AND DRUGS (SCOTLAND) ACT; MILK; THERAPEUTIC SUBSTANCES ACT.

FOOD AND DRUGS (SCOTLAND) ACT: c. 30 p. 89

PART I.—GENERAL PROVISIONS AS TO FOOD AND DRUGS

Composition and labelling of Food and Drugs

- § 1. Offences in connection with preparation and sale of injurious foods and adulterated drugs, p. 91.
 2. General protection for purchasers of food and drugs, p. 92.
 3. Defences available in proceedings under s. 2, p. 92.
 4. Regulations as to composition of food, etc., p. 93.
 5. Power of Secretary of State to obtain particulars of certain food ingredients, p. 94.
 6. Labels and advertisements describing incorrectly food or drugs, p. 95.
 7. Regulations as to labelling and description of food, p. 96.
Food Unfit for Human Consumption
 8. Prohibition on sale, etc., of food unfit for human consumption, p. 96.
 9. Examination and seizure of suspected food, p. 97.
 10. Food offered as prizes, etc., p. 98.
 11. Power to examine food in course of transit, p. 98.
Food Hygiene
 12. Slaughter of animals intended for food, p. 99.
 13. Regulations as to food hygiene, p. 99.
Registration
 14. Registration of manufacturers and traders, p. 101.
 15. Refusal, etc., of registration under s. 14, p. 103.
Special provisions as to certain foods
 16. Regulations as to milk, p. 104.
 17. Certain additions not to be made to milk and certain liquids not to be sold as milk, p. 104.
 18. Cream substitutes, p. 105.
 19. Sign to be displayed on premises, etc., where horseflesh is sold for human consumption, p. 106.
Cleansing of shell-fish
 20. Provision of means for cleansing shell-fish, p. 106.
Cold Stores
 21. Establishment by local authority of cold stores, p. 107.
Food Poisoning
 22. Notification of cases of food poisoning, p. 107.
 23. Amendment of s. 1 of Public Health (Scotland) Act, 1945, p. 107.
 24. Provisions as to suspected food, p. 108.

FOOD AND DRUGS (SCOTLAND) ACT—continued.

PART II.—ADMINISTRATION AND ENFORCEMENT

Administration

- § 25. Scottish Food Hygiene Council, p. 109.
- 26. Administrative authorities, p. 110.

Sampling and Analysis

- 27. Public analysts, p. 110.
- 28. Powers of sampling, p. 111.
- 29. Right to have samples analysed, p. 112.
- 30. Disposal of samples taken for analysis, p. 113.
- 31. Special provisions as to the sampling of milk and proceedings subsequent thereto, p. 114.
- 32. Power of Secretary of State to have foods analysed and examined, p. 115.
- 33. Provision as to cases in which division of sample into parts is impracticable, p. 116.
- 34. Examination by local authorities of food not for sale, p. 116.
- 35. Quarterly reports by analysts, p. 116.

Entry, obstruction, etc.

- 36. Power to enter premises, p. 116.
- 37. Power to enter ships, aircraft, vehicles, etc., p. 118.
- 38. Restriction on movement of imported food, p. 119.
- 39. Offences in relation to execution of Act, p. 119.

PART III.—PROCEDURE AND EVIDENCE

Legal proceedings and evidence

- 40. Penalties, p. 120.
- 41. Proceedings, p. 120.
- 42. Evidence of certificates of analysis, etc., p. 122.
- 43. Presumptions, p. 123.
- 44. Power of court to require analysis by Government Chemist, p. 123.
- 45. Contravention due to default of some other person, p. 124.
- 46. Conditions under which a warranty may be pleaded as defence, p. 124.
- 47. Offences in relation to warranties and certificates of analysis, p. 125.

Compensation, etc.

- 48. Disputes as to compensation, p. 125.
 - 49. Apportionment of expenses of alterations to premises, p. 126.
- Appeals against Decisions of Local Authorities*
- 50. Appeals to the sheriff against decisions of local authorities, p. 126.
 - 51. Right to carry on business in certain cases while appeal is pending, p. 126.

PART IV.—MISCELLANEOUS AND GENERAL

Miscellaneous

- 52. Application to the Crown, p. 126.
- 53. Acquisition of land, p. 127.
- 54. Borrowing by local authorities, p. 127.
- 55. Default of local authority, p. 127.
- 56. Orders and regulations, p. 128.
- 57. Expenses, p. 129.

Interpretation, Repeals, etc.

- 58. Interpretation, p. 129.
- 59. and schedule 1. Repeal or amendment of local enactments, pp. 132, 134.
- 60. and schedules 2 and 3. Minor amendments, repeals and savings, pp. 132, 136.
- 61. Short title, commencement and extent, p. 133.
- Schedule 1. Procedure for making certain Orders and Provisions as to their Validity, p. 134.
- „ 2. Consequential and Minor Amendments, p. 136.
- „ 3. Enactments Repealed, p. 136.

FOOD POISONING. Notification of (c. 30, s. 22) p. 107

FOOTPATHS AND BRIDLEWAYS. Use of, by motor vehicles (c. 67, s. 12) p. 705

FRAUD AND FALSE STATEMENT. Provisions under—

Agriculture (Safety, Health and Welfare Provisions) Act (c. 49, ss. 10 (5), 12)	pp. 349, 350
Appropriation Act (c. 55, s. 6 (2))	p. 528
Copyright Act (c. 74, ss. 10, 43, sch. 1)	pp. 871, 912, 924
Dentists Act (c. 29, s. 15)	p. 65
Food and Drugs (Scotland) Act (c. 30, ss. 6, 47)	pp. 95, 125
Medical Act (c. 76, ss. 31, 35)	pp. 981, 983
Restrictive Trade Practices Act (c. 68, s. 16 (2))	p. 788
Road Traffic Act (c. 67, s. 22 (3), sch. 6, para. 14)	pp. 717, 752
Small Lotteries and Gaming Act (c. 45, s. 3 (3))	p. 242
Sugar Act (c. 48, s. 15 (3), 29 (3))	pp. 315, 331
Workmen's Compensation and Benefit (Supplementation) Act (c. 51, s. 4)	p. 375
FRIENDLY SOCIETIES. Income tax exemptions (c. 54, s. 26)	p. 489
FUEL AND POWER, MINISTER OF (<i>see also</i> COAL INDUSTRY ACT). Provisions as to rating of property of gas boards (c. 60, sch. 5, pt. II)	p. 666

G

GAMING (*see also* SMALL LOTTERIES AND GAMING ACT). Provisions under Finance Act (c. 54, s. 43) p. 511

GAS:

Exchequer advances to nationalised undertakings (c. 54, s. 42)	p. 510
Valuation and rating of gas boards (c. 60, ss. 24, 25, schs. 4, 5)	pp. 646, 647, 661, 665

GENERAL DENTAL COUNCIL. *See* DENTISTS ACT.

GENERAL MEDICAL COUNCIL. *See* MEDICAL ACT, PT. I.

GOODS. Seizure of, under Administration of Justice Act (c. 46, s. 37) p. 270

GOVERNMENT ACTUARY. Functions under—

Teachers (Superannuation) Act (c. 53, ss. 3, 10 (2), 19 (2), 29 (2), 30, 40)	pp. 419, 425, 433, 437, 448
Workmen's Compensation and Benefit (Supplementation) Act (c. 51, s. 6)	p. 377

GOVERNMENT CHEMIST. Duties under Food and Drugs (Scotland) Act (c. 30, s. 44) p. 123

GOVERNORS' PENSIONS ACT: c. 64 p. 683

- § 1. Pensions to certain Governors with less than three years' service, p. 683.
 2. Power to grant pension to Governor retiring under fifty-five, p. 684.
 3. New method of calculating amount of Governor's pension, p. 684.
 4. Increase of maximum amount of Governor's pension, p. 684.
 5. Power to commute Governor's pension, p. 685.
 6. Allocation of part of Governor's pension to spouse or dependent, p. 685.
 7. Gratuity in case of death while serving as Governor, p. 686.
 8. Calculation of yearly amount of commuted pension, p. 686.
 9. Further amendment of section six of principal Act, p. 686.
 10. Application of Superannuation Acts to former Governors, p. 686.
 11. Abolition of duty to become or remain Governor, p. 687.
 12. Meaning of "Governor" and "service in the permanent Civil Service of the State", p. 687.
 13. Orders, p. 688.
 14. and schedule. Application to certain pensions and gratuities granted before commencement of Act, saving and repeal, pp. 688, 690.
 15. Payment out of moneys provided by Parliament, p. 688.
 16. Interpretation, etc., p. 688.
 17. Short title, construction and citation, p. 689.
- Schedule. Enactments Repealed, p. 690.

GUARDIAN. Powers of court under Sexual Offences Act (c. 69, s. 38) p. 820

H

- HACKNEY CARRIAGES.** Increase in fares (5 Eliz. 2, s. 3) p. 1011
- HARBOUR.** Valuation and rating provision (c. 60, sch. 7 Pt. III) p. 669
- HEALTH.** See PUBLIC HEALTH AND SAFETY.
- HEALTH, MINISTER OF.** Powers and duties under—
 Dentists Act (c. 29, ss. 20 (8), 26 (2)) pp. 72, 76
 Pensions (Increase) Act (c. 39, sch. 2, para. 7) p. 204
 Therapeutic Substances Act (c. 25, ss. 4, 7, 8, 9 (3)) pp. 15, 17, 18
- HEALTH AND LOCAL GOVERNMENT FOR NORTHERN IRELAND, MINISTER OF.**
 Powers and duties under—
 Dentists Act (c. 29, s. 26 (2)) p. 76
 Therapeutic Substances Act (c. 25, ss. 4, 7, 8, 9 (3)) pp. 15, 17, 18
- HERITAGES.** Valuation of (c. 60, s. 6) p. 627
- HICKEY, DR. EILEEN MARY HICKEY.** See VALIDATION OF ELECTIONS (NORTHERN IRELAND) ACT.
- HIGH COURT (see also ADMINISTRATION OF JUSTICE ACT).** Powers under—
 Copyright Act (c. 74, s. 30 (5) (6)) p. 900
 Criminal Justice Administration Act (c. 34, s. 19 (2)) p. 176
 Dentists Act (c. 29, s. 9) p. 61
 Restrictive Trade Practices Act (c. 68, ss. 13, 15 (4), 18, 32)
 pp. 785, 788, 789, 802
 Sexual Offences Act (c. 69, s. 38 (4)) p. 280
 Solicitors (Amendment) Act (c. 41, s. 8 (6)) p. 215
 Therapeutic Substances Act (c. 25, s. 2 (4)) p. 14
- HIGH COURT OF NORTHERN IRELAND.** Provisions under Restrictive Trade Practices Act (c. 68, s. 15 (4)) p. 788
- HIGHWAY CODE.** Sale of (c. 67, sch. 8, para. 18) p. 762
- HIGHWAYS.** See ROADS AND ROAD TRAFFIC.
- HILL FARMING ACT: c. 72** p. 848
 § 1. Extension of period for submission of livestock rearing land improvement schemes and increase of amount available for improvement grants, p. 848.
 2. Extension of periods for payment of subsidies in respect of hill sheep and cattle p. 848.
 3. Short title, citation and interpretation, p. 849.
- HOTEL PROPRIETORS ACT: c. 62** p. 676
 § 1. Inns and innkeepers, p. 676.
 2, and schedule. Modifications of liabilities and rights of innkeepers as such, p. 677, 678.
 3. Short title, repeal, extent and commencement, p. 678.
 Schedule. Notice, p. 678.
- HOUSE OF COMMONS (see also CHARLES BEATTIE INDEMNITY ACT; ELECTIONS; PARLIAMENT).** Disqualification of M.P. for service as recorder (c. 34, s. 4 (3)) p. 165
- HOUSE OF COMMONS MEMBERS' FUND.** Income tax relief on contributions (c. 54, s. 13) p. 54

HOUSE OF COMMONS OF NORTHERN IRELAND:

Disqualification of M.P. for membership of—				
Performing Rights Tribunal (c. 74, s. 23 (3))	...	...	...	p. 891
Sugar Board (c. 48, s. 2 (5))	...	...	...	p. 301
Validation of election to.	<i>See</i> VALIDATION OF ELECTIONS (NORTHERN IRELAND) ACT.			

HOUSING (*see also* HOUSING AND LOCAL GOVERNMENT, MINISTER OF; HOUSING SUBSIDIES ACT; SLUM CLEARANCE (COMPENSATION) ACT). Provisions under Valuation and Rating (Scotland) Act (c. 60, ss. 16, 36, sch. 3)
pp. 641, 651, 656

HOUSING AND LOCAL GOVERNMENT, MINISTER OF (*see also* (general provisions) HOUSING SUBSIDIES ACT; SLUM CLEARANCE (COMPENSATION) ACT). Powers and duties under—

Local Government Elections Act (c. 43, sch. 2, para. 9)	...	...	...	p. 236
Pensions (Increase) Act (c. 39, sch. 2, para. 7)	...	...	...	p. 204

HOUSING SUBSIDIES ACT: c. 33 p. 140

Exchequer subsidies

- § 1. Introduction of new housing subsidies, p. 141.
 2. Power to abolish or reduce subsidies, p. 142.
 3. Rate of subsidies for dwellings, p. 143.
 4. and schedule 1. Additional subsidies for agricultural dwellings etc., pp. 145, 152.
 5. Power to increase subsidies in certain circumstances, p. 145.
 6. and schedule 2. Subsidies for expensive sites, pp. 146, 155.
 7. Subsidies for privately provided agricultural dwellings, p. 146.
- Provisions relating to other contributions*
8. Termination of duty to make rate fund contributions, p. 146.
 9. Power of Minister to recover certain contributions, p. 148.

General provisions

10. Expenses, p. 149.
11. Interpretation, p. 149.
12. and schedules 1 and 3. Citation, adaptations, repeals and extent, pp. 149, 152, 156.
- Schedule 1. Modifications and adaptations in other Acts, p. 152.
- „ 2. Provisions for ascertaining the value of certain sites, p. 155.
- „ 3. Repeals and revocations, p. 156.

HUSBAND AND WIFE:

Death duties (c. 54, s. 36)	...	...	...	...	p. 505
Evidence of (c. 69, s. 39)	...	...	...	...	p. 220
Notice of marriage (c. 70, ss. 1-4)	...	...	...	...	pp. 840-842

HYDROCARBON OIL DUTIES (TEMPORARY INCREASE) ACT: 5 Eliz. 2, c. 2 p. 1008

- § 1. Increase of duties, p. 1008.
2. Consequential provision for increase in bus fares &c., p. 1009.
3. Consequential provisions for increase in taxi fares, p. 1010.
4. Short title, p. 1010.

I

IMPERIAL TRUST FOR THE ENCOURAGEMENT OF SCIENTIFIC AND INDUSTRIAL RESEARCH. Dissolution of (c. 58, s. 4 (2)) p. 609

IMPRISONMENT. Provisions under—

Administration of Justice Act (c. 46, s. 40)	...	...	...	p. 272
Criminal Justice Administration Act (c. 34, s. 2 (7))	...	...	...	p. 163
Police (Scotland) Act (c. 26, s. 24)	...	...	...	p. 40
Road Traffic Act (c. 67, s. 8)	...	...	...	p. 702

IMPROVEMENT. Schemes for land improvement (c. 72, s. 1) p. 848

INCOME TAX (*see also* FINANCE ACT, PTS. II, III). Schemes certified by Board of Trade under Income Tax Act, agreements forming part of (c. 68, s. 8 (2)) p. 779

- INDEMNIFICATION.** See CHARLES BEATTIE INDEMNITY ACT; VALIDATION OF ELECTIONS (NORTHERN IRELAND) ACT.
- INDEPENDENT TELEVISION AUTHORITY.** Copyright provisions (c. 74, s. 14, sch. 5) pp. 877, 929
- INDIA AND PAKISTAN** (*see also* PAKISTAN (CONSEQUENTIAL PROVISIONS) ACT):
Income tax provisions as to pensions (c. 54, s. 40) p. 508
Pensions payable to persons resident in (c. 39, s. 8 (2)) p. 196
- INDUSTRIAL EXPENDITURE.** Income tax allowances See FINANCE ACT, Pt. II.
- INDUSTRIAL INJURIES INSURANCE.** See FAMILY ALLOWANCES AND NATIONAL INSURANCE ACT; WORKMEN'S COMPENSATION AND BENEFIT (SUPPLEMENTATION) ACT.
- INDUSTRY.** See COAL INDUSTRY ACT; DEPARTMENT OF SCIENTIFIC AND INDUSTRIAL RESEARCH; INDUSTRIAL DISEASE; INDUSTRIAL EXPENDITURE.
- INFANTS** (*see also* CHILDREN AND YOUNG PERSONS). Transfer to county court of money recovered in High Court by (c. 46, s. 26) p. 263
- INFORMATION.** Disclosure and furnishing of, under—
Clean Air Act (c. 52, s. 26) p. 398
Finance Act (c. 54, s. 20) p. 476
Food and Drugs (Scotland) Act (c. 30, ss. 5, 36 (5)) ... pp. 94, 117
Restrictive Trade Practices Act (c. 68, ss. 10, 33) ... pp. 782, 802
Sugar Act (c. 48, ss. 20 (7), 23 (4)) pp. 321, 323
Valuation and Rating (Scotland) Act (c. 60, s. 12) p. 636
- INLAND REVENUE, COMMISSIONERS OF.** See FINANCE ACT.
- INNS AND INNKEEPERS.** See HOTEL PROPRIETORS ACT.
- INQUEST.** Provisions under Agriculture (Safety, Health and Welfare Provisions) Act (c. 49, s. 9) p. 348
- INQUIRIES.** Provisions under—
Dentists Act (c. 29, s. 6 (4) (6)) p. 59
Food and Drugs (Scotland) Act (c. 30, sch. 1, para. 7) p. 135
Police (Scotland) Act (c. 26, s. 18 (2) (3)) p. 37
Road Traffic Act (c. 67, s. 43, sch. 3, Pt. III) pp. 735, 749
Teachers (Superannuation) Act (c. 53, ss. 3, 30) p. 418, 437
- INSPECTION.** Provisions under—
Agriculture (Safety, Health and Welfare Provisions) Act (c. 49, ss. 10, 11) pp. 348, 349
Education (Scotland) Act (c. 75, s. 7) p. 951
- INSTITUTION OF CIVIL ENGINEERS, PRESIDENT OF.** Functions under Underground Works (London) Act (c. 59, s. 8 (3)) p. 617
- INSURANCE** (*see also* FAMILY ALLOWANCES AND NATIONAL INSURANCE; NATIONAL INSURANCE ACT; WORKMEN'S COMPENSATION AND BENEFIT (SUPPLEMENTATION) ACT):
Income tax, annuities (c. 54, ss. 22–28, sch. 3) pp. 478–493, 516
Road traffic provisions (c. 67, s. 29) p. 721
Stamp duty on policies (c. 54, s. 38) p. 506
- INTEREST.** Disclosure of, under Sugar Act (c. 48, sch. 2, para. 5) p. 337

INTOXICATING LIQUOR (*see also* LICENSING (AIRPORTS) ACT; OCCASIONAL LICENCES AND YOUNG PERSONS ACT). Provisions under—
 Criminal Justice Administration Act (c. 34, s. 7) p. 168
 Finance Act (c. 54, ss. 2, 3) pp. 456, 457
 Food and Drugs (Scotland) Act (c. 30, ss. 3 (4), 28 (6)) pp. 93, 112
 Road Traffic Act (c. 67, ss. 9, 26, sch. 4) pp. 703, 719, 749

IRELAND. *See* NORTHERN IRELAND; REPUBLIC OF IRELAND.

IRON AND STEEL. Restrictive trade practices (c. 68, s. 7) p. 778

ISLE OF MAN:

Application to, of—

Administration of Justice Act (c. 46, s. 56) p. 281
 Copyright Act (c. 74, s. 31) p. 901
 Teachers (Superannuation) Act (c. 53, s. 18 (6)) p. 432
 Duty chargeable in (c. 48, s. 8 (9)) p. 308

J

JUDGES:

Appointment of, under Administration of Justice Act (c. 46, ss. 21–23) pp. 260–2
 Powers under Solicitors (Amendment) Act (c. 41, s. 4) p. 211

JUDGMENTS. Execution, registration, enforcement. Provisions under Administration of Justice Act (c. 46, ss. 34–44) pp. 268–273

JUDICIAL COMMITTEE. References to, under Medical Act (c. 76, s. 36 (3)) p. 984

JURIES. Provisions under Criminal Justice Administration Act (c. 34, ss. 2, 17) pp. 161, 174

JUSTICE OF THE PEACE. Powers and duties under—

Criminal Justice Administration Act (c. 34, ss. 17 (2) (b)) p. 175
 Food and Drugs (Scotland) Act (c. 30, ss. 9, 36 (2)) pp. 97, 117
 Magistrates' Courts (Appeals from Binding Over Orders) Act (c. 44, s. 1) p. 237
 Police (Scotland) Act (c. 26, ss. 4, 8, 28) pp. 26, 29, 42
 Road Traffic Act (c. 67, s. 52) p. 742
 Sexual Offences Act (c. 69, ss. 42, 43) p. 821

L

LABOUR AND NATIONAL SERVICE, MINISTER OF. Powers and duties under Sugar Act (c. 48, s. 24 (1)) p. 324

LAITY. *See* REPRESENTATION OF THE LAITY MEASURE.

LANCASHIRE CHANCERY COURT. Transfer of certain funds to trustees of charitable funds or Church Commissioners (c. 46, s. 52) p. 280

LANCASHIRE CROWN COURTS. *See* CRIMINAL JUSTICE ADMINISTRATION ACT.

LANCASTER, DUCHY OF. Powers of Chancellor of, under—

Administration of Justice Act (c. 46, ss. 21, 52) pp. 260, 280
 Criminal Justice Administration Act (c. 34, s. 16, sch. 2) pp. 174, 179

LAND:

Acquisition, under—

Food and Drugs (Scotland) Act (c. 30, s. 53)	p. 127
Police (Scotland) Act (c. 26, s. 15)	p. 33
Underground Works (London) Act (c. 59, s. 5 (6) (7))	p. 615
Enforcement of judgments and orders in relation to (c. 46, ss. 35, 36, 53)	pp. 269, 280
Recovery under Administration of Justice Act (c. 46, s. 28 (4))	p. 265
Valuation of (c. 60, ss. 6-8)	pp. 627-632
Vesting of, in Minister of Works under Underground Works (London) Act (c. 59, s. 1)	p. 610

LAND CHARGES. Provisions under—

Administration of Justice Act (c. 46, ss. 35 (3), 36 (3))	pp. 269, 270
Underground Works (London) Act (c. 59, s. 6)	p. 615

LAND DRAINAGE:

Agriculture (Safety, Health and Welfare Provisions) Act (c. 49, ss. 3 (10), 25 (5))	pp. 345, 356
Rating provisions (c. 60, s. 38)... ..	p. 651

LANDLORD AND TENANT. Provisions under—

Administration of Justice Act (c. 46, s. 28 (4))	p. 265
Sexual Offences Act (c. 69, s. 35, sch. 1)	pp. 818, 825
Valuation and Rating (Scotland) Act (c. 60, s. 16, sch. 3)	pp. 641, 656

LAND REGISTRATION. Provisions under Administration of Justice Act (c. 46, ss. 35 (3), 53)

LANDS TRIBUNAL. Functions under Underground Works (London) Act (c. 59, ss. 3, 4 (4))	pp. 613, 614
---	--------------

LANDS VALUATION APPEAL COURT. Stated case to (c. 60, s. 14)

LAW SOCIETY. Membership of, under Solicitors (Amendment) Act (c. 41 s. 15)	p. 220
---	--------

LEEWARD ISLANDS ACT: c. 23 p. 1

- § 1. Constitution as separate colonies of Leeward Islands Presidencies, p. 1.
2. Provisions consequential on preceding section, p. 1.
3. Power to make emergency laws for the new colonies, p. 2.
- 4, and schedule. Power to establish courts for the new colonies, pp. 3, 4.
5. Amendments of 9 & 10 Geo. 5. c. 47, p. 4.
6. Variation and revocation of Orders in Council, p. 4.
7. Short title and interpretation, p. 4.

Schedule. Amendments of Leeward Islands and Windward Islands (Courts) Order in Council, 1939, p. 4.

LEGAL AID. Provisions under Magistrates' Courts (Appeals from Binding Over Orders Act (c. 44, s. 1 (2) (b))

LICENCES AND LICENSING (<i>see also</i> INTOXICATING LIQUORS; LICENSING (AIRPORTS) ACT; OCCASIONAL LICENCES AND YOUNG PERSONS ACT). Provisions under—	
--	--

Copyright Act (c. 74, ss. 24-29)	pp. 894-898
Road Traffic Act (c. 67, ss. 43, 44)	pp. 735, 736
Therapeutic Substances Act (c. 25, ss. 2, 3)	pp. 13, 14

LICENSING (AIRPORTS) ACT: c. 37 p. 185

- § 1. Exemption of international airports from restrictions on times at which intoxicating liquor may be sold or supplied, p. 185.
2. Short title, extent and commencement, p. 186.

LIMITATION OF ACTIONS. Proceedings under—

Copyright Act (c. 74, s. 18)	p. 882
Restrictive Trade Practices Act (c. 68, s. 17)	p. 789

LIQUOR. *See* INTOXICATING LIQUOR.LIVERPOOL. *See* CRIMINAL JUSTICE ADMINISTRATION ACT; LIVERPOOL COURT OF PASSAGE.LIVERPOOL COURT OF PASSAGE. Admiralty jurisdiction of (c. 46, ss. 2-4, 7)
pp. 250-252, 254LIVESTOCK. *See* HILL FARMING ACT.LOANS (*see also* APPROPRIATION ACT; CONSOLIDATED FUND ACT; PUBLIC WORKS LOANS ACT). Provisions under—

Agricultural Mortgage Corporation Act (c. 38, s. 2)	p. 187
Air Corporations Act (5 Eliz. 2, c. 3, ss. 1, 2)	pp. 1011, 1012
Finance Act (c. 54, ss. 42, 43)	pp. 510, 511
Food and Drugs (Scotland) Act (c. 30, s. 54)	p. 127
Sugar Act (c. 48, s. 21)	p. 322

LOCAL AUTHORITIES (EXPENSES) ACT: c. 36 p. 184

- § 1. Payment of expenses of official and courtesy visits, &c., p. 184.
2. Short title, p. 185.

LOCAL AUTHORITY ASSOCIATIONS. Consultation with, under Housing Subsidies Act (c. 33, s. 2 (3)) p. 143

LOCAL GOVERNMENT. Provisions under—

Children and Young Persons Act (c. 24, s. 1 (3))	p. 6
Clean Air Act (c. 52, ss. 25, 31)	pp. 379, 400
Family Allowances and National Insurance Act (c. 50, s. 5)	p. 362
Police (Scotland) Act (c. 26, s. 15)	p. 33
Small Lotteries and Gaming Act (c. 45, s. 2)	p. 240
Sugar Act (c. 48, s. 21)	p. 322

See also AGRICULTURE (SAFETY, HEALTH AND WELFARE PROVISIONS) ACT; EDUCATION (SCOTLAND) ACT; FOOD AND DRUGS (SCOTLAND) ACT; HOUSING SUBSIDIES ACT; LOCAL AUTHORITIES (EXPENSES) ACT; LOCAL GOVERNMENT ELECTIONS ACT; LOCAL GOVERNMENT (STREET WORKS) (SCOTLAND) ACT; ROAD TRAFFIC ACT; SANITARY INSPECTORS (CHANGE OF DESIGNATION) ACT; SLUM CLEARANCE (COMPENSATION) ACT; VALUATION AND RATING (SCOTLAND) ACT; UNDERGROUND WORKS (LONDON) ACT.

LOCAL GOVERNMENT ELECTIONS ACT: c. 43 p. 226

- § 1, and schedule 1. Synchronization of rural district and parish elections, pp. 226, 231.
- 2, and schedule 2. Provisions consequential on section one of this Act, pp. 227, 232.
3. Wards for rural district elections, p. 227.
4. Payment of expenses of elections of district and parish councillors, p. 227.
5. Polls consequent on parish meetings, p. 228.
6. Computation of time for purposes of elections to fill casual vacancies in certain local government offices, p. 229.
- 7, and schedule 2. Savings, pp. 229, 232.
8. Short title, interpretation and extent, p. 230.
- Schedule 1. Combined Elections, p. 231.
- .. 2. Consequential Amendments of Enactments and Provisions for securing simultaneous Retirement of Councillors, p. 232.

LOCAL GOVERNMENT (STREET WORKS) (SCOTLAND) ACT: c. 40	...	p. 208
§ 1. Power of local authority to contribute to street works, p. 208.		
2. Short title, p. 209.		
LOCAL INQUIRIES. See INQUIRIES.		
LOCAL LOANS FUND. See PUBLIC WORKS LOANS ACT.		
LONDON (see also UNDERGROUND WORKS (LONDON) ACT). Application to, of—		
Clean Air Act (c. 52, s. 32, sch. 3)	... ..	pp. 402, 410
Criminal Justice Administration Act (c. 34, s. 16)	... ..	p. 174
Housing Subsidies Act (c. 33, s. 8 (3))	... ..	p. 147
Local Government Elections Act (c. 43, s. 6)	... ..	p. 229
Road Traffic Act (c. 67, ss. 5 (5), 19, 23, 36, 39, 40, 42, schs. 5, 8)	... ..	pp. 701, 710, 717, 730, 732-734, 750, 756
Small Lotteries and Gaming Act (c. 45, s. 2 (6))	... ..	p. 241
LONDON AND HOME COUNTIES TRAFFIC ADVISORY COMMITTEE. Constitution of (c. 67, s. 49)	... ..	p. 741
LONDON ELECTRICITY BOARD. Provisions under Underground Works (London) Act (c. 59, s. 8)	... ..	p. 616
LONDON QUARTER SESSIONS (c. 34, ss. 13, 16, 18)	... ..	pp. 172, 174, 175
LONDON TRANSPORT EXECUTIVE. Services provided by: fares (5 Eliz. 2 c. 2, s. 2)	... ..	p. 1009
LORD ADVOCATE. Functions under Restrictive Trade Practices Act (c. 68, (s. 17 (3))	... ..	p. 789
LORD CHANCELLOR (see also ADMINISTRATION OF JUSTICE ACT; CRIMINAL JUSTICE ADMINISTRATION ACT). Powers under—		
Copyright Act (c. 74, s. 23 (2), sch. 4)	... ..	p. 891
Dentists Act (c. 29, s. 8)	... ..	p. 61
Pensions (Increase) Act (c. 39, sch. 2 para. 7)	... ..	p. 204
Restrictive Trade Practices Act (c. 68, ss. 2 (5), 3-5, 23, 32)	... ..	pp. 775, 776, 794, 802
Solicitors (Amendment) Act (c. 41, ss. 2, 5 (2), 8 (6))	... ..	pp. 210, 212, 215
LORD CHIEF JUSTICE. Powers under Solicitors (Amendment) Act (c. 41, ss. 2, 5, 8 (6))	... ..	pp. 210, 212, 215
LORD CHIEF JUSTICE OF NORTHERN IRELAND. Powers under Restrictive Trade Practices Act (c. 68, ss. 3, 5 (1))	... ..	pp. 775, 776
LORD PRESIDENT OF THE COUNCIL. Powers under Department of Scientific and Industrial Research Act (c. 58, ss. 1 (2))	... ..	pp. 606, 607
LORD PRESIDENT OF THE COURT OF SESSION. Powers under Restrictive Trade Practices Act (c. 68, ss. 3, 5 (1))	... ..	pp. 775, 776
LORD PRIVY SEAL. Transfer to, of certain powers of Treasury (c. 73, ss. 2 (1), 3 (3))	... ..	p. 851
LORDS, HOUSE OF. Appeals to under Food and Drugs (Scotland) Act (c. 30, sch. 1 para. 9)	... ..	p. 135
LOTTERIES. See GAMING.		

LUNACY AND MENTAL DEFICIENCY. Provisions under—

Administration of Justice Act (c. 46, s. 26)	p. 263
Criminal Justice Administration Act (c. 34, ss. 2 (8), 26) ...	pp. 163, 263
Sexual Offences Act (c. 69, ss. 7-9, 21, 27, 29) ...	pp. 810-811, 814, 816, 817

M

MACHINERY. Safety provisions. *See* AGRICULTURE (SAFETY, HEALTH AND WELFARE PROVISIONS) ACT.

MAGISTRATES' COURTS (APPEALS FROM BINDING OVER ORDERS) ACT: c. 44

p. 237

§ 1. Right of appeal to quarter sessions, p. 237.

2. Short title and extent, p. 237.

MANCHESTER. *See* CRIMINAL JUSTICE ADMINISTRATION ACT.

MARRIAGE (*see also* MARRIAGE (SCOTLAND) ACT). Validation of for purposes of family allowances and national insurance benefits (c. 50, s. 3)... p. 361

MARRIAGE (SCOTLAND) ACT: c. 70 p. 840

§ 1. Notice of marriage intended to be celebrated or contracted in Scotland where one party has a parent residing there, p. 840.

2. Amendment of 41 & 42 Vict. c. 43, s. 10, p. 842.

3. Amendment of 41 & 42 Vict. c. 43, s. 18, p. 842.

4. Short title and citation, p. 842.

MASTER OF THE ROLLS. Functions under Solicitors (Amendment) Act (c. 41, ss. 2-5, 7, 8 (6)) pp. 210-213, 215

MATRIMONIAL CAUSES. Application to court by petition or to county court (c. 46, s. 31 (2)) p. 267

MCCLEERY, THE RIGHT HON. SIR WILLIAM. *See* VALIDATION OF ELECTIONS (NORTHERN IRELAND) ACT.

MECHANICALLY PROPELLED VEHICLES DUTY. Goods vehicles and licences (c. 54, s. 5) p. 457

MEDICAL ACT: c. 76 p. 959

PART I.—THE GENERAL MEDICAL COUNCIL AND THE BRANCH COUNCILS

§ 1, and schedule 1. The General Medical Council, pp. 961, 999.

2. Nominated members, p. 961.

3. Appointed members, p. 962.

4, and schedule 2. Elected members, p. 963, 1001.

5. President of the General Council, p. 964.

6, and schedule 1. Branch councils, p. 964.

PART II.—MEDICAL EDUCATION AND REGISTRATION:

PERSONS QUALIFYING IN ENGLAND, WALES, SCOTLAND OR IRELAND

7, and schedule 3. Registration of medical practitioners, pp. 965, 1003.

8, and schedule 3. Additional qualifications and additional primary qualifications, pp. 965, 1003.

9, and schedule 3. Appointment of visitors of medical schools, pp. 966, 1003.

10, and schedule 3. Standard of proficiency for qualification, pp. 967, 1003.

11, and schedule 3. What examinations qualifying, pp. 968, 1003.

12. Combined examinations, p. 969.

13. Powers of Privy Council where courses of study or examinations for registrable qualifications insufficient, p. 970.

14, and schedule 3. Candidates not to be compelled to adopt or reject particular theories of medicine or surgery, pp. 971, 1003.

15, and schedule 3. Experience required for full registration, pp. 972, 1003.

16. Special provisions as to employment in Health Centres, p. 974.

17. Provisional registration, p. 975.

MEDICAL ACT—continued.

PART III.—REGISTRATION OF COMMONWEALTH AND FOREIGN PRACTITIONERS

- § 18. Registration of Commonwealth and foreign practitioners, p. 975.
- 19. Countries to which Part III applies, p. 977.
- 20. Recognition of Commonwealth and foreign qualifications, p. 977.
- 21. Registration of further qualifications, p. 977.
- 22. Experience required for full registration of Commonwealth and foreign practitioners, p. 978.
- 23. Provisional registration of Commonwealth and foreign practitioners, p. 978.
- 24. Appeal against refusal of registration, p. 978.
- 25. Temporary registration, for employment in hospitals in United Kingdom, of persons with Commonwealth or foreign qualifications, p. 979.
- 26. Power of Privy Council to direct recognition of qualifications, p. 980.

PART IV.—PRIVILEGES OF REGISTERED PRACTITIONERS

- 27. Recovery of fees p. 980.
- 28. Appointments not to be held except by fully registered persons, p. 980.
- 29. Certificates invalid if not by fully registered practitioner, p. 981.
- 30. Exemption of fully registered practitioners from liability to certain offices, p. 981.
- 31. Penalty for pretending to be registered, p. 981.

PART V.—ERASURE AND RESTORATION TO REGISTER

- 32. The Disciplinary Committee, p. 982.
- 33. Erasure from register for conviction of crime or for infamous conduct, p. 982.
- 34. Restoration of names to register, p. 983.
- 35. Erasure from register on grounds of fraud or error, p. 983.
- 36. Appeal against erasure from register, p. 984.
- 37, and schedule 4. Procedure of Disciplinary Committee, pp. 984, 1003.
- 38. Assessors to Disciplinary Committee, p. 986.
- 39. Arrangements with Medical Registration Council of Republic of Ireland, p. 987.

PART VI.—THE REGISTRARS, THE REGISTERS AND PROCEDURE FOR REGISTRATION

- 40. The registrars, p. 987.
- 41. The registers, p. 987.
- 42, and schedule 3. Procedure for registration, pp. 989, 1003.
- 43. Procedure on erasure or restoration, p. 990.
- 44. Co-ordination of central and local registers, p. 990.
- 45. Registration fees, p. 990.
- 46. The Medical Register and the Register of Provisional Medical Registrations p. 991.

PART VII.—GENERAL AND SUPPLEMENTARY

- 47. The British Pharmacopoeia, p. 992.
- 48. Registration of diplomas in public health, sanitary science or state medicine, p. 993.
- 49. Powers of Privy Council on default by General Council, p. 993.
- 50. Exercise of powers of Privy Council, and evidence thereof, p. 994.
- 51. Proof of orders, p. 994.
- 52. Construction of references to registration, etc., in other enactments, p. 995.
- 53. Chemists etc., not to be affected, p. 995.
- 54. Interpretation, p. 995.
- 55. Provisions as to penalties in Scotland, p. 996.
- 56. Application to Northern Ireland, p. 996.
- 57, and schedule 5. Repeal, transitional provisions and savings, pp. 997, 1004.
- 58. Short title and commencement, p. 999.
- Schedule 1. Supplementary Provisions relating to General Council and Branch Councils, p. 999.
 - „ 2. Provisions as to Election of Members of General Council, p. 1001.
 - „ 3. Registrable Qualifications for purposes of Part II, p. 1003.
 - „ 4. Provisions as to Proceedings of Disciplinary Committee, p. 1003.
 - „ 5. Enactments Repealed, p. 1004.

MEDICAL OFFICERS OF HEALTH (*see also* **MEDICAL ACT**). Food and Drugs (Scotland) Act (c. 30, ss. 22, 24) pp. 107, 108

MEDICAL PROFESSION (*see also* **MEDICAL ACT**). Provisions under Therapeutic Substances Act (c. 25, ss. 10, 11) pp. 18, 19

- MEDICAL RESEARCH COUNCIL.** Consultation with, under Therapeutic Substances Act (c. 25, ss. 8, 9 (3)) pp. 17, 18
- MEDICINE** (*see also* DENTISTS ACT; MEDICAL ACT; THERAPEUTIC SUBSTANCES ACT). Provisions under Food and Drugs (Scotland) Act (c. 30, sch. 2) p. 136
- MENTAL DEFICIENCY.** *See* LUNACY AND MENTAL DEFICIENCY.
- MERCHANT SHIPPING.** Admiralty jurisdiction (c. 46, ss. 1-4, 7 (2), 45-49) pp. 247-252, 273-278
- METERS.** Interference with parking meters (c. 67, ss. 22 (3)) ... p. 717
- METROPOLITAN BOROUGH COUNCIL.** Election of councillors (c. 43, s. 6) p. 229
- METROPOLITAN POLICE DISTRICT:**
Application to, of Criminal Justice Administration Act (c. 34, ss. 13, 16, sch. 2) pp. 173-4, 179
Provision of parking places in (c. 67, s. 19) p. 701
Remuneration of members of police force (5 Eliz. 2, c. 1, s. 1) ... p. 1007
- MILK:**
Adulteration (c. 30, ss. 16, 17) p. 104
Sale of tuberculous milk (c. 30, s. 40) p. 120
- MILLS.** Income tax allowances in respect of (c. 54, s. 18) p. 474
- MINES.** *See* CLEAN AIR ACT; COAL INDUSTRY ACT.
- MINISTERS OF THE CROWN.** Privy Council Committee for Scientific and Industrial Research: inclusion in (c. 58, s. 1 (2)) p. 606
- MONMOUTHSHIRE.** Application to, of Dentists Act (c. 29, sch. 1 para. 3 (6)) p. 83
- MONOPOLIES.** *See* RESTRICTIVE TRADE PRACTICES ACT.
- MORTGAGES** (*see also* AGRICULTURAL MORTGAGE CORPORATION ACT). Provisions under—
Administration of Justice Act (c. 46, s. 35) p. 269
Slum Clearance (Compensation) Act (c. 57, s. 1 (4)) p. 599
Valuation and Rating (Scotland) Act (c. 60, s. 16, sch. 3) ... pp. 641, 656
- MOTOR TRIALS.** Prohibition on use of footpaths and bridleways (c. 67, s. 12) p. 705

N

- NATIONAL ASSISTANCE.** Prevention of duplication of payments (c. 51, sch.) p. 378
- NATIONAL COAL BOARD.** Extension of power to make advances to (c. 61, s. 1) p. 675
- NATIONAL DEBT.** *See* FINANCE ACT.
- NATIONAL DEBT COMMISSIONERS.** *See* PUBLIC WORKS LOANS ACT.
- NATIONAL INSURANCE** (*see also* FAMILY ALLOWANCES AND NATIONAL INSURANCE ACT; NATIONAL INSURANCE ACT; WORKMEN'S COMPENSATION AND BENEFIT (SUPPLEMENTATION) ACT). Provisions under—
Administration of Justice Act (c. 46, ss. 1-4) pp. 247-252
Teachers (Superannuation) Act (c. 53, ss. 24, 29) pp. 434-435

NATIONAL INSURANCE ACT: c. 47 p. 295

 § 1. Amendments of National Insurance Act, 1946, p. 295.
 2. Regulations, p. 296.
 3. Regulations to be approved in draft by Parliament, p. 296.
 4. Short title, citation and construction, p. 296.

NATIONAL INSURANCE, MINISTER OF. *See* **FAMILY ALLOWANCES AND NATIONAL INSURANCE ACT; NATIONAL INSURANCE ACT; WORKMEN'S COMPENSATION AND BENEFIT (SUPPLEMENTATION) ACT.**

NATIONALIZED INDUSTRIES AND UNDERTAKINGS. Exchequer advances to (c. 54, s. 42) p. 510

NATIONAL LOANS. Payments in respect of securities. Provisions under Finance Act (c. 54, s. 43) p. 511

NATIONAL TRANSPORT (*see also* **TRANSPORT (DISPOSAL OF ROAD HAULAGE) ACT**). Exchequer advances (c. 54, s. 42) p. 510

NEW TOWNS. *See* **HOUSING SUBSIDIES ACT.**

NIXON, DR. ROBERT SAMUEL. *See* **VALIDATION OF ELECTIONS (NORTHERN IRELAND) ACT.**

NORTHERN IRELAND (*see also* **VALIDATION OF ELECTIONS (NORTHERN IRELAND) ACT**). Application to, of—

 Administration of Justice Act (c. 46, s. 55, sch. 1) pp. 281, 283

 Agriculture (Silo Subsidies) Act (5 Eliz. 2, c. 5, s. 1) p. 1014

 Clean Air Act (c. 52, s. 36) p. 407

 Copyright Act (c. 74, s. 51 (3))... .. p. 924

 Crown Estate Act (c. 73, s. 3 (5)) p. 852

 Dentists Act (c. 29, s. 36) p. 81

 Expiring Laws Continuance Act (5 Eliz. 2, c. 4, s. 2 (2)) p. 1013

 Family Allowances and National Insurance Act (c. 50, ss. 4, 8) pp. 361, 366

 Medical Act (c. 76, ss. 2, 39, 56) pp. 961, 987, 996

 Pensions (Increase) Act (c. 39, s. 13 (3)) p. 200

 Restrictive Trade Practices Act (c. 68, s. 37) p. 804

 Sexual Offences Act (c. 69, s. 54) p. 824

 Sugar Act (c. 48, s. 36 (3)) p. 336

 Therapeutic Substances Act (c. 25, s. 15) p. 20

 Workmen's Compensation and Benefit (Supplementation) Act (c. 51, s. 5) p. 376

NORTHERN LIGHTHOUSES, COMMISSIONERS OF. Contributions in aid of rates by (c. 60, s. 21) p. 644

NOTARY. Unqualified practitioners (c. 41, s. 8 (5)) p. 215

NOTICE:

 Giving of, under Marriage (Scotland) Act (c. 70, s. 1) p. 840

 Service of, under—

 Agriculture (Safety, Health and Welfare Provisions) Act (c. 49, ss. 3, 25 (4) (5)) pp. 343, 355, 356

 Dentists Act (c. 29, s. 17) p. 67

 Restrictive Trade Practices Act (c. 68, ss. 14–16) pp. 786–789

 Underground Works (London) Act (c. 59, s. 5) p. 614

 Valuation and Rating (Scotland) Act (c. 60, s. 13) p. 637

NUISANCE. Smoke provisions. *See* **CLEAN AIR ACT.**

O

- OATH.** Administration of oath or affidavit under—
 Administration of Justice Act (c. 46, ss. 9, 21 (4)) pp. 255, 261
 Dentists Act (c. 29, s. 33) p. 79
 Restrictive Trade Practices Act (c. 68, s. 15) p. 787
 Sexual Offences Act (c. 69, s. 42) p. 821
- OCCASIONAL LICENCES AND YOUNG PERSONS ACT:** c. 42 p. 225
 § 1. Restrictions on supply of liquor to, and employment of, young persons in connection with occasional licences, p. 225.
 2. Short title, extent and commencement, p. 225.
- OFFENSIVE TRADES.** See **SLAUGHTERHOUSES.**
- OIL.** See **HYDROCARBON OIL DUTIES (TEMPORARY INCREASE) ACT.**
- OMNIBUS FARES.** Increase in (5 Eliz. 2, c. 2, s. 2) p. 1009
- OPEN SPACES.** Parking of vehicles in royal parks (c. 67, s. 25) p. 719
- OVERSEAS INCOME.** Income tax relief from tax on delayed remittances (c. 54, s. 12) p. 466
- OVERSEAS RESOURCES DEVELOPMENT ACT:** c. 71 p. 842
 § 1. Functions of Colonial Development Corporation, p. 843.
 2. Special provisions as to Federation of Rhodesia and Nyasaland, p. 846.
 3. Extension of powers of Corporation to additional enterprises, p. 847.
 4. Financial provisions, p. 847.
 5. Short title and citation, p. 847.
- OWNERS' RATES.** Transference of liability for (c. 60, s. 16) p. 641

P

- PALESTINE.** Application to, of Governors' Pensions Act (c. 64, s. 16 (3)) p. 689
- PAKISTAN** (*see also* **PAKISTAN (CONSEQUENTIAL PROVISIONS) ACT**):
 Income tax provisions as to pensions (c. 54, s. 40) p. 508
 Pensions payable to persons resident in (c. 39, s. 8 (2)) p. 196
- PAKISTAN (CONSEQUENTIAL PROVISIONS) ACT:** c. 31 p. 138
 § 1. Operation of existing law in relation to Pakistan in view of Pakistan's becoming a Republic, p. 138.
 2. Short title, p. 139.
- PARISH COUNCILS.** Elections. See **LOCAL GOVERNMENT ELECTIONS ACT.**
- PARISHES.** See **LOCAL GOVERNMENT ELECTIONS ACT; PAROCHIAL CHURCH COUNCILS (POWERS) MEASURE.**
- PARKING PLACES.** Provision of, under Road Traffic Act (c. 67, ss. 19–25) pp. 710–719
- PARLIAMENT** (*see also* **CHARLES BEATTIE INDEMNITY ACT; VALIDATION OF ELECTIONS (NORTHERN IRELAND) ACT**):
 Accounts, agreements, reports, returns, etc., to be laid before, under—
 Administration of Justice Act (c. 46, s. 19) p. 260
 Appropriation Act (c. 55, s. 4 (2)) p. 527
 Crown Estate Act (c. 73, s. 2 (3)) p. 851
 Department of Scientific and Industrial Research Act (c. 58, s. 1 (7)) p. 608
 Education (Scotland) Act (c. 75, s. 8 (2)) p. 952
 Finance Act (c. 54, s. 42 (7)) p. 511
 Restrictive Trade Practices Act (c. 68, ss. 1 (8), 12 (3)) pp. 774, 785

PARLIAMENT—continued.

Accounts, agreements, reports, returns, etc., to be laid before, under
—continued.

Road Traffic Act (c. 67, s. 4 (5))	...	...	...	...	p. 699
Sugar Act (c. 48, ss. 2 (8), 5 (7), 6 (1) (5), 22 (3) (4))	pp. 301, 303, 304,	322			
Transport (Disposal of Road Haulage Property) Act (c. 56, s. 6 (4))					p. 593
Disqualification of M.P. for membership of (or service as)—					
General Dental Council or committee of (c. 29, sch. 1 para. 7)	...				p. 84
panels under National Insurance Acts (c. 27, s. 1)	...	...			p. 53
Performing Rights Tribunal (c. 74, s. 23 (3))	...	...	...		p. 891
recorder (c. 34, s. 4)	...	...	...	...	p. 165
Sugar Board (c. 48, s. 2 (5))	...	...	...	...	p. 300
Orders, regulations, etc., subject to annulment by resolution of either House under—					
Agriculture (Safety, Health and Welfare Provisions) Act (c. 49, s. 17 (5))					p. 351
Clean Air Act (c. 52, s. 33)	...	...	...	...	p. 403
Copyright Act (c. 74, s. 47 (1))	...	...	...	...	p. 916
Finance Act (c. 54, s. 9 (3))	...	...	...	...	p. 463
Food and Drugs (Scotland) Act (c. 30, s. 56 (1) (2))	...	...	...	...	p. 128
Governors' Pensions Act (c. 64, s. 6 (5))	...	...	...	...	p. 686
Overseas Resources Development Act (c. 71, s. 3 (3))	...	...	...	...	p. 847
Pakistan (Consequential Provisions) Act (c. 31, s. 1 (3))	...	...	...	...	p. 139
Pensions (Increase) Act (c. 39, s. 9 (6))	...	...	...	...	p. 198
Police (Scotland) Act (c. 26, s. 30 (3))	...	...	...	...	p. 43
Restrictive Trade Practices Act (c. 68, ss. 19 (4), 23 (4))	pp. 791, 795				
Road Traffic Act (c. 67, ss. 1 (9), 2 (8), 10 (3), 13 (4), 24 (5), 42 (6))	pp. 696, 697, 704, 707, 719, 734				
Teachers (Superannuation) Act (c. 53, s. 25)	...	...	...	...	p. 435
Valuation and Rating (Scotland) Act (c. 60, ss. 1 (8), 31 (2))	pp. 623, 650				
Workmen's Compensation and Benefit (Supplementation) Act (c. 51, s. 7)					p. 377
Orders, regulations, etc., subject to annulment by resolution of House of Commons under—					
Finance Act (c. 54, s. 15 (5))	...	...	...	...	p. 469
Governors' Pensions Act (c. 64, s. 13)	...	...	...	...	p. 688
Orders, regulations, etc., to be laid before Parliament under Police (Scotland) Act (c. 26, s. 18 (4), 33 (4), 36)					
	...	...	...	...	pp. 37, 45, 46
Orders subject to special parliamentary procedure under Food and Drugs (Scotland) Act (c. 30, sch. 1, para. 6)					
	...	...	...	...	p. 134
Resolution of both Houses required for approval of (draft) order under—					
Agriculture (Safety, Health and Welfare Provisions) Act (c. 49, ss. 17 (4), 18 (4))	...	...	...	...	pp. 351, 352
Agriculture (Silos Subsidies) Act (5 Eliz. 2, c. 5, s. 1 (6))	...	...	...	...	p. ...
British Caribbean Federation Act (c. 63, s. 1 (4))	...	...	...	...	p. 681
Dentists Act (c. 29, s. 18 (9))	...	...	...	...	p. 69
Food and Drugs (Scotland) Act (c. 30, s. 56 (3))	...	...	...	...	p. 128
Restrictive Trade Practices Act (c. 68, s. 5 (2), 9 (4))	pp. 776, 782				
Road Traffic Act (c. 67, ss. 2 (3), 24 (4))	pp. 696, 719				
Valuation and Rating (Scotland) Act (c. 60, ss. 6 (7), 7 (7))	pp. 629, 631				
Resolution of House of Commons required for approval of (draft) order under—					
Housing Subsidies Act (c. 33, s. 2 (3))	...	...	...	...	p. 143
National Insurance Act (c. 47, s. 3)	...	...	...	...	p. 296

PAROCHIAL CHURCH COUNCILS (POWERS) MEASURE: 5 Eliz. 2, No. 3 p. xxvi

- § 1. Definitions, p. xxvi.
2. General functions of council, p. xxvi.
3. Council to be a body corporate, p. xxvi.
4. Powers vested in council as successor to certain other bodies, p. xxvii.
5. Holding of property for ecclesiastical purposes: educational schemes, p. xxviii.
6. Supplementary provisions relating to certain property, p. xxix.
7. Miscellaneous powers of council, p. xxx.
8. Accounts of the Council, p. xxx.
9. Powers of bishop, p. xxxi.
10. Short title, commencement, extent and repeals, p. xxxi.

PATENTS AND REGISTERED DESIGNS (see also COPYRIGHT ACT). Provisions under—

Food and Drugs (Scotland) Act (c. 30, s. 5 (4))	...	...	...	p. 95
Restrictive Trade Practices Act (c. 68, s. 8 (4))	...	...	...	p. 780

PEDESTRIANS:

Traffic directions, compliance with (c. 67, s. 14)	...	...	...	p. 707
Use of pedestrian crossings (c. 67, s. 46)	...	...	...	p. 738

PENSIONS (see also FAMILY ALLOWANCES AND NATIONAL INSURANCE ACT; GOVERNORS' PENSIONS ACT; NATIONAL INSURANCE ACT; PENSIONS (INCREASE) ACT; TEACHERS (SUPERANNUATION) ACT). Provisions under—

Administration of Justice Act (c. 46, s. 25)	...	...	...	p. 262
Criminal Justice Administration Act (c. 34, ss. 4 (4), 16)	...	...	...	pp. 165, 174
Education (Scotland) Act (c. 75, s. 10)	...	...	...	p. 953
Finance Act (c. 54, ss. 14, 22-28, 40, sch. 3)	...	...	...	pp. 478-493, 508, 516
Police (Scotland) Act (c. 26, s. 17 (7))	...	...	...	p. 36
Restrictive Trade Practices Act (c. 68, s. 2 (5))	...	...	...	p. 775

PENSIONS AND NATIONAL INSURANCE, MINISTRY OF (see also FAMILY ALLOWANCES AND NATIONAL INSURANCE ACT; NATIONAL INSURANCE ACT; WORKMEN'S COMPENSATION AND BENEFIT (SUPPLEMENTATION) ACT). Powers and duties under Pensions (Increase) Act (c. 39, sch. 2, para. 7)
p. 204**PENSIONS (INCREASE) ACT: c. 39** p. 188

- § 1, and schedules 1 and 2. Increase of pensions specified in the First Schedule, pp. 189, 200, 202.
 - 2, and schedule 3. Extension of increases under Pensions (Increase) Acts, 1920 and 1924, pp. 190, 204.
 - 3, and schedule 4. Extension of increases under Pensions (Increase) Acts, 1944 and 1947, pp. 191, 205.
 - 4, and schedule 4. Extension of increases under Pensions (Increase) Act, 1952, pp. 191, 205.
 5. Other amendments of Act of 1944 and Act of 1952, p. 192.
 - 6, and schedule 1. Increase of certain pensions affected by further service, pp. 193, 200.
 7. Additional provisions as to police and fire services pension, p. 193.
 - 8, and schedule 1. Powers to increase other pensions, pp. 195, 200.
 - 9, and schedules 1 and 2. Supplementary provisions, pp. 196, 200, 202.
 - 10, and schedule 1. Financial provisions, pp. 198, 200.
 11. Interpretation, p. 199.
 12. Application to Scotland, p. 199.
 - 13, and schedule 5. Short title, repeals, extent and commencement, pp. 200, 206.
- Schedule 1. Pensions which may be increased under section one of this Act, p. 200.
- .. 2. Rate of increase of pension under section one of this Act, p. 202.
 - .. 3. Amendment of Act of 1920, p. 204.
 - .. 4. Additional pensions which may be increased under Acts of 1944 and 1947 or Act of 1952, p. 205.
 - .. 5. Enactments repealed, p. 206.

PERFORMING RIGHT TRIBUNAL. *See* COPYRIGHT ACT.

PERJURY. False endorsement of process by county court officer (c. 46, s. 31 (3)) p. 267

PERRY. Duty on (c. 54, s. 2) p. 456

PETROL. Increased duty on. *See* HYDROCARBON OIL DUTIES (TEMPORARY INCREASE) ACT.

PHARMACEUTICAL SOCIETY OF GREAT BRITAIN. Powers and duties under Therapeutic Substances Act (c. 25, s. 13) p. 19

POISONS. *See* THERAPEUTIC SUBSTANCES ACT.

POLICE (*see also* POLICE, FIRE AND PROBATION OFFICERS REMUNERATION ACT; POLICE (SCOTLAND) ACT; ROAD TRAFFIC ACT). Provisions under—
 Children and Young Persons Act (c. 24, s. 2) p. 7
 Pensions (Increase) Act (c. 39, s. 7) p. 193
 Sexual Offences Act (c. 69, ss. 40–43) p. 821
 Valuation and Rating (Scotland) Act (c. 60, s. 20) p. 644

POLICE, COMMISSIONER OF. Power to make experimental traffic schemes (c. 67, s. 36) p. 730

POLICE, FIRE AND PROBATION OFFICERS REMUNERATION ACT: 5 Eliz. 2, c. 1
 p. 1007
 § 1. Power to make pay increases retrospective, p. 1007.
 2. Short title and extent, p. 1007.

POLICE (SCOTLAND) ACT: c. 26 p. 23
Police Forces and Police Authorities
 § 1, and schedule 1. Police areas for which police forces are to be maintained, pp. 24, 50.
 2. Police authorities, p. 25.
 3. Establishments of police forces, p. 25.
 4. General functions of constables, p. 26.
 5. Execution of warrants in border countries of England and Scotland, p. 28.
Administration of Police Forces
 6. Appointment and tenure of office of chief constables, p. 28.
 7. Appointment and tenure of office of constables other than chief constables, p. 29.
 8. Declaration to be made by constables on appointment, p. 29.
 9. Ranks, p. 29.
 10. Deputy chief constables, p. 30.
 11. Regulations as to government and administration of police forces, p. 30.
 12. Pay, allowances, expenses and rewards, p. 33.
 13. Non-police employees, p. 33.
 14. Equipment, p. 33.
 15. Land and buildings, p. 33.
Mutual Aid of Police Forces
 16. Aid of one police force by another, p. 34.
Amalgamation of Police Forces
 17. Voluntary schemes for amalgamation of police forces, p. 35.
 18. Power of Secretary of State to make amalgamation schemes, p. 37.
 19. and schedule 2. Transitory provisions, pp. 37, 50.
 20. and schedule 2. Amendment and revocation of amalgamation schemes, pp. 38, 50.
 21. Compensation of officers prejudicially affected by amalgamation schemes, p. 38.
 22. Chief constables of police forces affected by amalgamation schemes, p. 39.
 23. Provisions as to constables serving on overseas police service, p. 40.

POLICE (SCOTLAND) ACT—*continued.**Offences and Legal Proceedings*

- § 24. Assaulting, etc., a constable in the execution of his duty, p. 40.
 25. Causing disaffection, etc., p. 41.
 26. Unauthorised use of police uniform, etc., p. 41.
 27. Offences by constables, p. 42.
 28. Warrants to search for police accoutrements and clothing, p. 42.

Miscellaneous

29. Central training and other common services, p. 42.
 30. Police Grant, p. 43.
 31. Watching of premises under agreement with occupier, p. 44.
 32. Extra policing of localities where works are being constructed, p. 44.
 33. Inspectors of constabulary, p. 44.
 34. Annual and other reports by chief constables, p. 45.
 35. Criminal statistics, p. 45.

Supplemental

36. Regulations and orders, p. 46.
 37. Local enactments, p. 46.
 38. and schedule 3. Repeals and savings, pp. 47, 51.
 39. Financial provisions, p. 47.
 40. and schedule 1. Interpretation, pp. 48, 50.
 41. Short title, extent and commencement, 49.
 Schedule 1. Burghs for which (subject to amalgamation schemes) Police Forces are to be maintained, p. 50.
 „ 2. Transitory provisions for the purposes of Amalgamation Schemes, p. 50.
 „ 3. Enactments repealed, p. 51.

- PORT HEALTH AUTHORITIES. Application to, of Clean Air Act (c. 52, s. 31) p. 400
- POWER. *See* FUEL AND POWER, MINISTER OF.
- POWER OF ATTORNEY. Filing of: time limit (c. 46, s. 18) p. 260
- PREMIUMS. Income tax relief (c. 54, ss. 22, 23) pp. 478, 482
- PRIVY COUNCIL. Powers and duties. *See* DENTISTS ACT.
- PRIVY COUNCIL, COMMITTEE OF. Furnishing to, of annual report under Department of Scientific and Industrial Research Act (c. 58, s. 2 (7)) p. 608
- PRIZES. *See* SMALL LOTTERIES AND GAMING ACT.
- PROBATE. Provisions under Administration of Justice Act (c. 46, s. 17) p. 259
- PROBATION OFFICERS. *See* POLICE, FIRE AND PROBATION OFFICERS REMUNERATION ACT.
- PROCEEDINGS. Institution of, by local authorities (c. 67, s. 22 (7)) ... p. 717
- PROFITS TAX. *See* FINANCE ACT, PT. IV.
- PROPERTY (*see also* TRANSPORT (DISPOSAL OF ROAD HAULAGE PROPERTY) ACT).
 Liability of innkeepers (c. 62, ss. 1, 2) pp. 676, 677
 Stamp duty on conveyances (c. 54, s. 37) p. 505
- PROVISIONAL DRIVING LICENCES. Provisions under Road Traffic Act (c. 67, s. 18) p. 709
- PUBLIC ANALYST. Appointment and qualifications of (c. 30, s. 27) ... p. 110

PUBLICATION:

Copyright in. *See* COPYRIGHT ACT.

Of notices as to orders under Food and Drugs (Scotland) Act (c. 30, sch. 1, para. 8) p. 135

Of notices of proposed amalgamation schemes under Police (Scotland) Act (c. 26, s. 18 (2)) p. 37

PUBLIC HEALTH AND SAFETY (*see also* AGRICULTURE, HEALTH AND WELFARE PROVISIONS) ACT; CLEAN AIR ACT; HEALTH, MINISTER OF; SANITARY INSPECTORS (CHANGE OF DESIGNATION) ACT):

Regulations as to food hygiene (c. 30, ss. 13, 23) pp. 99, 107

Road-safety information and road training (c. 67, s. 5) p. 700

PUBLIC HEALTH INSPECTORS. *See* SANITARY INSPECTORS (CHANGE OF DESIGNATION ACT).PUBLIC INQUIRIES. *See* INQUIRIES.

PUBLIC RECORDS. Copyright subsisting in (c. 74, s. 42) p. 911

PUBLIC UTILITIES. Provisions as to road works affecting (c. 67, s. 45) p. 737

PUBLIC WORKS LOANS ACT: c. 65 p. 691

§ 1. Grants for public works, p. 691.

2. Limit of commitments by Public Works Loan Commissioners, p. 691.

3. Short title, p. 691.

PUBLIC WORKS LOANS COMMISSIONERS. *See* PUBLIC WORKS LOANS ACT.

PUNISHMENT. Recognizances to keep the peace: appeal to quarter sessions (c. 44, s. 1) p. 237

PURCHASE TAX. Conversion of goods vehicle (c. 54, s. 7) p. 459

Q

QUARTER SESSIONS:

Appeals to, under—

Agriculture (Safety, Health and Welfare Provisions) Act (c. 49, s. 3 (8))

p. 345

Magistrates' Courts (Appeals from Binding Over Orders) Act (c. 44,

s. 1) p. 237

Small Lotteries and Gaming Act (c. 45, s. 2 (3)) p. 241

Effect of establishment of Crown courts on, under Criminal Justice Administration Act (c. 34, s. 2) p. 161

R

RAILWAYS. Smoke provisions (c. 52, s. 19) p. 394

RATING AND VALUATION (*see also* VALUATION AND RATING (SCOTLAND) ACT).

Contributions in aid of, by police authorities (c. 60, s. 20) p. 644

Valuation of sites under Housing Subsidies Act (c. 33, sch. 2) p. 155

RECEIVERS. Enforcement of judgments (c. 46, s. 36) p. 269

RECOGNISANCE. Right of appeal to quarter sessions where person ordered to enter into (c. 44, s. 1) p. 237

RECORDER. Status, salary and pension of recorders of Liverpool and Manchester (c. 34, ss. 4, 13, 14) pp. 165, 172, 173

RECORDINGS. Copyright. See COPYRIGHT ACT.

RECORDS, REGISTERS AND REGISTRATION (*see also* MEDICAL ACT; RESTRICTIVE TRADE PRACTICES ACT, PT. I):

Free access to, under Food and Drugs (Scotland) Act (c. 30, s. 14 (6)) p. 102
Of manufacturers and traders under Food and Drugs (Scotland) Act (c. 30, ss. 14, 15) pp. 101, 103
Of societies under Small Lotteries and Gaming Act (c. 45, s. 2) ... p. 240

REGISTRAR OF BIRTHS, DEATHS AND MARRIAGE. Functions under Marriage (Scotland) Act (c. 70, ss. 1-3) pp. 840-842

REGISTRAR OF RESTRICTIVE TRADING AGREEMENTS. Appointment and functions of (c. 68, ss. 1, 17, 18) pp. 773, 789

REGISTRAR OF SOLICITORS. Duties under Solicitors (Amendment) Act (c. 41, s. 3) p. 211

REMITTANCES. Income tax relief on delayed remittances of overseas income (c. 54, s. 12) p. 466

REPORTS. See ANNUAL REPORTS; PARLIAMENT.

REPRESENTATION OF THE LAITY MEASURE: 5 Eliz. 2, No. 2 ... p. ii

- § 1. Substitution of new Rules for the Representation of the Laity, p. ii.
2. Repeals, p. ii.
- 3, and Schedule. Savings and transitional provisions, pp. ii and iii.
4. Interpretation of references to the Constitution, p. iii.
5. Short title, commencement and extent, p. iii.
Schedule, p. iii.

REPUBLIC OF IRELAND, DENTAL BOARD. Co-operation with (c. 29, ss. 9, 12) pp. 61, 62

RESEARCH (*see also* AGRICULTURAL RESEARCH ACT; DEPARTMENT OF SCIENTIFIC AND INDUSTRIAL RESEARCH ACT). Provisions under—

Clean Air Act (c. 52, ss. 21, 25) pp. 395, 398
Sugar Act (c. 48, s. 18) p. 318

RESIDENCE. Income tax relief to persons outside United Kingdom (c. 54, ss. 10, 11) pp. 464, 465

RESTRICTIVE TRADE PRACTICES ACT: c. 68 p. 772

PART I.—REGISTRATION AND JUDICIAL INVESTIGATION OF RESTRICTIVE TRADING AGREEMENTS

Establishment of Registrar and Restrictive Practices Court

- § 1. Appointment and functions of Registrar, p. 773.
- 2, and Schedule. Establishment of Restrictive Practices Court, pp. 774, 805.
3. Nomination of judges as Members of Court, p. 775.
4. Appointment of other members of Court, p. 775.
5. Provision for increasing number of members of Court, p. 776.

Registration of Agreements

6. Agreements to which Part I applies, p. 776.
7. Restrictions to be disregarded, p. 778.
8. Excepted agreements, p. 779.
9. Order of registration, p. 781.
10. Particulars to be furnished for registration, p. 782.
11. General provisions as to the register, p. 783.
12. Power to remove insignificant agreements from the register, p. 784.
13. Rectification of the register, etc., p. 785.

RESTRICTIVE TRADE PRACTICES ACT—continued.

Supplementary provisions as to registration

- § 14. Power of Registrar to obtain information, p. 786.
- 15. Power of High Court to order examination on oath, p. 787.
- 16. Offences in connection with registration, p. 788.
- 17. Commencement of proceedings and venue, p. 789.
- 18. Powers of High Court in case of default in furnishing particulars, p. 789.
- 19. Regulations for purposes of registration, p. 790.

Judicial investigation of registered Agreements

- 20. Jurisdiction and powers of Restrictive Practices Court, p. 791.
- 21. Presumption as to the public interest, p. 792.
- 22. Variation of decisions of the Court, p. 794.
- 23, and Schedule. Rules of procedure and representation of Registrar, pp. 794, 805.

PART II.—ENFORCEMENT OF CONDITIONS AS TO RESALE PRICES

- 24. Prohibition of agreements for collective enforcement of conditions as to resale prices, p. 795.
- 25. Individual enforcement by legal proceedings of conditions as to resale prices, p. 797.
- 26. Supplementary provisions, p. 797.
- 27. Commencement of Part II, p. 798.

PART III.—AMENDMENTS OF MONOPOLIES AND RESTRICTIVE PRACTICES ACTS, 1948 and 1953, ETC.

- 28. Reconstitution of Monopolies Commission, p. 798.
- 29. Future scope of references to Monopolies Commission, p. 799.
- 30. Provisions as to orders of competent authorities under s. 10 of Act of 1948, p. 800.
- 31. Provisions relating to export agreements, p. 801.

PART IV.—SUPPLEMENTAL

- 32. Provision for additional judges of High Court and Court of Session, p. 802.
- 33. Restriction on disclosure of information, p. 802.
- 34. Proceedings of Board of Trade, p. 803.
- 35. Expenses, etc., p. 803.
- 36. Interpretation, p. 803.
- 37. Application to Northern Ireland, p. 804.
- 38. Short title, p. 804.

Schedule. Supplementary provisions as to proceedings of Restrictive Practices Court, p. 805.

RESTRICTIVE TRADE PRACTICES COURT. Establishment and proceedings of (c. 68, ss. 2, 20–23, sch.) pp. 774, 791–795, 806

RETIREMENT ANNUITIES, ETC. See FINANCE ACT, Pt. III.

RHINE NAVIGATION CONVENTION. Exclusion of jurisdiction in cases falling within (c. 46, s. 46) p. 275

RHODESIA AND NYASALAND, FEDERATION OF. Provisions under Overseas Resources Development Act (c. 71, s. 2) p. 846

RICHARDSON, LT.-COL. HENRY SACHEVERELL CARLETON. See VALIDATION OF ELECTIONS (NORTHERN IRELAND) ACT.

RIOT. See MAGISTRATES' COURTS (APPEALS FROM BINDING OVER ORDERS) ACT.

ROAD TRAFFIC ACT: c. 67 p. 692

General provisions relating to road traffic

- § 1. Tests of satisfactory condition of vehicles, p. 694.
- 2. Obligatory test certificates, p. 696.
- 3, and schedule 1. Testing of condition of vehicles on roads, pp. 698, 745.
- 4. Amendments as to speed limit in built-up areas, p. 699.
- 5, and schedule 2. Road-safety information and road training, pp. 700, 746.
- 6. Amendment of s. 59 (1) of Act of 1930, p. 701.
- 7. Amendment of s. 8 of Act of 1934, p. 701.

ROAD TRAFFIC ACT—*continued.*

- § 8. Causing death by reckless or dangerous driving of motor vehicles, p. 702.
 9. Punishment of persons in charge of motor vehicles when under influence of drink or drugs, p. 703.
 10. Variation of minimum age for driving motor cycles on roads, p. 704.
 11. Application to pedal cyclists of provisions relating to certain driving offences, p. 704.
 12. Control of use of footpaths and bridleways for motor vehicle trials, p. 705.
 13. Regulation of cycle racing on highways, p. 706.
 14. Duty of pedestrians to comply with traffic directions given by constables, p. 707.
 15. Control of dogs on roads, p. 707.
 16. Amendments as to exemption from driving test, p. 708.
 17. Amendments as to groups of vehicles covered by driving tests, p. 708.
 18. Amendments as to provisional driving licences, p. 709.

Provision of parking places

- 19, and schedule 3. Provision of parking places where charges made, pp. 710, 747.
 20. Amount of charges for parking and method of payment, p. 712.
 21. General provisions for regulation of parking places, p. 714.
 22. Offences relating to parking places, p. 716.
 23. Parking places: financial provisions, p. 717.
 24. Parking places: supplementary provisions, p. 718.
 25. Charges for parking vehicles in Royal Parks, p. 719.

Provisions as to enforcement

- 26, and schedule 4. Penalties and disqualifications, pp. 719, 749.
 27. Duration of driving disqualifications, p. 721.
 28. Appeal against finding of no special reasons for not disqualifying, p. 721.
 29. Offences against s. 35 of Act of 1930, p. 721.
 30. Extension of provisions as to warning of intended prosecution, p. 721.
 31. Additional provisions as to production and surrender of driving licences, etc., p. 722.
 32. Extension of s. 113 (3) of Act of 1930, p. 723.

Traffic Regulation

33. Amendment of s. 46 of Act of 1930, p. 724.
 34. Amendments as to traffic regulation during road repairs, etc., p. 727.
 35. Traffic signs, p. 729.
 36, and schedule 5. Experimental traffic schemes in London, pp. 730, 750.
 37. Powers of police to erect traffic signs relating to special traffic regulations, p. 731.
 38. Temporary signs for dealing with traffic congestion and danger, p. 732.

Public service vehicles

39. Meaning of "public service vehicle", "stage carriage", "express carriage" and "contract carriage", p. 732.
 40, and schedule 6. Circumstances affecting classification of vehicles under last foregoing section, pp. 733, 751.

Miscellaneous and Supplementary Provisions

41. Lighting-up time, p. 734.
 42, and schedule 7. Protective helmets for motor-cyclists, pp. 734, 753.
 43. Amendments as to conditions of carriers' licences, p. 735.
 44. Amendments as to suspension or revocation of A and B licences, p. 736.
 45. Provisions as to dual carriageways, roundabouts and street refuges, p. 737.
 46. Amendments as to pedestrian crossings, p. 738.
 47. Appeals relating to road service licences, p. 739.
 48. Duration of driving licences and fees therefor, p. 740.
 49. Constitution of London and Home Counties Traffic Advisory Committee, p. 741.
 50. Exemption of pedestrian-controlled grass cutters, p. 742.
 51, and schedule 8. Minor and consequential amendments, pp. 742, 753.
 52. Financial provisions, p. 742.
 53. Application to Crown, p. 743.
 54. Interpretation, p. 743.
 55, and schedule 9. Short title, commencement, repeals, savings and extent, pp. 744, 768.

ROAD TRAFFIC ACT—*continued.*

- Schedule 1. Deferred tests of condition of vehicles, p. 745.
 „ 2. Travelling &c. allowances for attendance at Road Safety Conferences,
 p. 746.
 „ 3. Procedure for orders designating parking places, p. 747.
 Part I—Orders made on Local Authority application, p. 747.
 Part II—Orders made without Local Authority application, p. 748.
 Part III—Provisions as to Inquiries, p. 749.
 „ 4. Offences in respect of which disqualification or endorsement may be
 ordered, p. 749.
 „ 5. Experimental traffic schemes in London, p. 750.
 „ 6. Conditions affecting classification of vehicles, p. 751.
 Part I—Race meetings, public gatherings, etc., p. 751.
 Part II—Conditions relating to certain journeys for vehicles carrying
 four passengers or less, p. 751.
 Part III—Parties of overseas visitors, p. 751.
 Part IV—Alternative conditions affecting classification, p. 752.
 Part V—Supplementary, p. 752.
 „ 7. Supplementary provisions in connection with proceedings for offences
 under section forty-two, p. 753.
 „ 8. Minor and consequential amendments, p. 756.
 „ 9. Enactments repealed, p. 768.

ROAD TRAFFIC AND VEHICLES (*see also* LOCAL GOVERNMENT (STREET WORKS)
(SCOTLAND) ACT; ROAD TRAFFIC ACT; TRANSPORT (DISPOSAL OF ROAD
HAULAGE PROPERTY) ACT; UNDERGROUND WORKS (LONDON) ACT).

Increase in fares (5 Eliz. 2, c. 2, s. 2)	p. 1009
Private road works (c. 59, s. 3)	p. 613

RURAL DISTRICT AND PARISH COUNCILS. *See* LOCAL GOVERNMENT ELECTIONS
ACT.

S

SALE OF GOODS:

Enforcement of conditions as to resale prices (c. 68, ss. 24–27) pp. 795–798	
Prohibition on sale of unfit vehicles (c. 67, s. 7)	p. 701

SALFORD. Establishment of courts of assize at (c. 34, s. 1) p. 160

SANITARY AUTHORITIES (*see also* AGRICULTURE (SAFETY, HEALTH AND WELFARE
PROVISIONS) ACT). Functions under Clean Air Act (c. 52, sch. 3, Pt. II)
p. 411

SANITARY INSPECTORS (CHANGE OF DESIGNATION) ACT: c. 66 p. 692

- § 1. Sanitary inspectors to be called public health inspectors, p. 692.
 2. Short title, p. 692.

SAVINGS BANK INTEREST. Relief from income tax (c. 54, s. 9) p. 462

SCHOOL ATTENDANCE. Enforcement of (c. 75, s. 3) p. 948

SCIENTIFIC AND INDUSTRIAL RESEARCH, DEPARTMENT OF. *See* DEPARTMENT
OF SCIENTIFIC AND INDUSTRIAL RESEARCH ACT.

SCOTTISH FOOD HYGIENE COUNCIL:

Constitution of (c. 30, s. 25)	p. 109
Expenses of (c. 30, s. 25 (6))	p. 110

SCOTTISH VALUATION ADVISORY COUNCIL. Constitution of (c. 60, s. 3) p. 624

SEARCH (*see also* ENTRY, RIGHT OF). Provisions under—

Police (Scotland) Act (c. 26, s. 28)	p. 42
Sexual Offences Act (c. 69, ss. 40–43)	pp. 821–822

SECRETARY OF STATE (<i>see also</i> EDUCATION (SCOTLAND) ACT; FOOD AND DRUGS (SCOTLAND) ACT; ROAD TRAFFIC ACT; SUGAR ACT; VALUATION AND RATING (SCOTLAND) ACT). Powers and duties under—	
Administration of Justice Act (c. 46, s. 50 (2))	... .. p. 279
Agriculture (Safety, Health and Welfare Provisions) Act (c. 49, s. 1 (7), 17, 21 (2))	... .. pp. 343, 351, 353
Agriculture (Silo Subsidies) Act (5 Eliz. 2, c. 5, s. 1)	... .. p. 1014
British Caribbean Federation Act (c. 63, s. 3)	... .. p. 682
Crown Estate Act (c. 73, ss. 2 (1), 3 (3))	... .. p. 851
Dentists Act (c. 29, s. 208)	... .. p. 72
Hill Farming Act (c. 72, ss. 1, 2)	... .. p. 848
Local Government Elections Act (c. 43, sch. 2, para. 9)	... .. p. 236
Overseas Resources Development Act (c. 71, ss. 1 (5), 2 (3), 3, 4)	pp. 843, 846, 847
Police, Fire and Probation Officers Remuneration Act (5 Eliz. 2, c. 1, s. 1)	p. 1007
Teachers (Superannuation) Act (c. 53, Pt. II)	... .. p. 435
Therapeutic Substances Act (c. 25, ss. 4, 7, 8, 9 (3))	... pp. 15, 17, 18
SENATE OF NORTHERN IRELAND. <i>See</i> VALIDATION OF ELECTIONS (NORTHERN IRELAND) ACT.	
SESSIONS, E. Jurisdiction under—	
Sexual Offences Act (c. 69, s. 48, schs. 2, 3)	... .. pp. 826, 836
Small Lotteries and Gaming Act (c. 45, s. 2 (3))	... .. p. 241
SETTLEMENTS AND TRUSTS:	
Death duties (c. 54, ss. 32, 36)	... .. pp. 499, 505
Powers of attorney, time limit for filing (c. 46, s. 18)	... .. p. 260
SEXUAL OFFENCES ACT: c. 69	... .. p. 807

PART I.—OFFENCES, AND THE PROSECUTION AND PUNISHMENT OF OFFENCES

Intercourse by force, intimidation, etc.

- § 1. Rape, p. 809.
2. Procurement of woman by threats, p. 809.
3. Procurement of woman by false pretences, p. 810.
4. Administering drugs to obtain or facilitate intercourse, p. 810.

Intercourse with girls under sixteen

5. Intercourse with girl under thirteen, p. 810.
6. Intercourse with girl between thirteen and sixteen, p. 810.

Intercourse with defectives

7. Intercourse with an idiot or imbecile, p. 810.
8. Intercourse with defective, p. 811.
9. Procurement of defective, p. 811.

Incest

10. Incest by a man, p. 811.
11. Incest by a woman, p. 811.

Unnatural offences

12. Buggery, p. 811.
13. Indecency between men, p. 812.

Assaults

14. Indecent assault on a woman, p. 812.
15. Indecent assault on a man, p. 812.
16. Assault with intent to commit buggery, p. 813.

SEXUAL OFFENCES ACT—continued.

Abduction

- § 17. Abduction of woman by force or for the sake of her property, p. 813.
- 18. Fraudulent abduction of heiress from parent or guardian, p. 813.
- 19. Abduction of unmarried girl under eighteen from parent or guardian, p. 814.
- 20. Abduction of unmarried girl under sixteen from parent or guardian, p. 814.
- 21. Abduction of defective from parent or guardian, p. 814.

Prostitution, procuration, etc.

- 22. Causing prostitution of women, p. 814.
- 23. Procuration of girl under twenty-one, p. 815.
- 24. Detention of woman in brothel or other premises, p. 815.
- 25. Permitting girl under thirteen to use premises for intercourse, p. 815.
- 26. Permitting girl between thirteen and sixteen to use premises for intercourse, p. 815.
- 27. Permitting defective to use premises for intercourse, p. 816.
- 28. Causing or encouraging prostitution of, intercourse with, or indecent assault on, girl under sixteen, p. 816.
- 29. Causing or encouraging prostitution of defective, p. 817.
- 30. Man living on earnings of prostitution, p. 817.
- 31. Woman exercising control over prostitute, p. 817.

Solicitation

- 32. Solicitation by men, p. 817.

Suppression of brothels

- 33. Keeping a brothel, p. 817.
- 34. Landlord letting premises for the use as brothel, p. 817.
- 35, and schedule 1. Tenant permitting premises to be used as brothel, pp. 818, 825.
- 36. Tenant permitting premises to be used for prostitution, p. 818.

Powers and procedure for dealing with offenders

- 37, and schedule 2. Prosecution and punishment of offences, pp. 819, 826.
- 38. Powers of court in case of incest with girl under twenty-one, p. 820.
- 39. Evidence of wife or husband of accused, p. 820.

Powers of arrest and search

- 40. Power of arrest in case of procuration or prostitution of women, p. 821.
- 41. Power of arrest in cases of trading in prostitution, or of soliciting by men, p. 821.
- 42. Power of search in case of man living on earnings of prostitution, p. 821.
- 43. Power to search for and remove woman detained for immoral purposes, p. 821.

Interpretation

- 44. Meaning of "sexual intercourse", p. 822.
- 45. Meaning of "defective", p. 822.
- 46. Use of words "man", "boy", "woman" and "girl", p. 822.
- 47. Proof of exceptions, p. 822.

PART II.—SUPPLEMENTARY

- 48, and schedule 3. Amendments of Acts not consolidated, pp. 823, 836.
- 49. Adaptation of enactments applying to Scotland, p. 823.
- 50. Adaptation of enactments applying to Northern Ireland, p. 823.
- 51, and schedule 4. Repeal, pp. 823, 838.
- 52. Savings, etc., p. 823.
- 53. Construction of references to enactments, p. 824.
- 54. Extent, p. 824.
- 55. Short title, p. 824.
- 56. Commencement, p. 824.
- Schedule 1. Rights of landlord where tenant convicted of permitting use of premises as brothel, p. 825.
- „ 2. Table of offences, with mode of prosecution, punishments, etc., p. 826.
- „ 3. Consequential amendments of enactments not consolidated, p. 836.
- „ 4. Repeals, p. 838.

SHEEP. See HILL FARMING ACT.

SHELL-FISH. Provision of means for cleansing (c. 30, s. 20) p. 106

SHERIFF. Functions under—

Administration of Justice Act (c. 46, ss. 34, 37, 45) ...	pp. 268, 270, 273
Agriculture (Safety, Health and Welfare Provisions) Act (c. 49, s. 25 (3))	p. 354
Clean Air Act (c. 52, s. 28 (2))	p. 399
Criminal Justice Administration Act (c. 34, s. 2)	p. 161
Food and Drugs (Scotland) Act (c. 30, s. 9 (5), 15 (6), 48-50)	pp. 97, 104, 125, 126
Police (Scotland) Act (c. 26, ss. 4, 6, 9, 28, 32, 34) ...	pp. 26, 28, 29, 42, 44, 45
Small Lotteries and Gaming Act (c. 45, s. 2 (3))	p. 241
Valuation and Rating (Scotland) Act (c. 60, ss. 5, 17, 33) ...	pp. 626, 642, 650

SHIPS AND SHIPPING (see also ADMINISTRATION OF JUSTICE ACT, PTS. I, V):

Income tax allowances (c. 54, ss. 9, 17)	pp. 462, 471
Powers of entry under Food and Drugs (Scotland) Act (c. 30, s. 37)	p. 118
Rating of lighthouses (c. 60, s. 21)	p. 644
Seamen's wages, restrictions on suits (c. 46, s. 5)	p. 253
Smoke provisions (c. 52, s. 20)	p. 395
Storage of therapeutic substances on board ship (c. 25, s. 11 (2)) ...	p. 19

SHIRE HALL. Provisions under Criminal Justice Administration Act (c. 34, s. 8)

p. 168

SILICOSIS. See WORKMEN'S COMPENSATION AND BENEFIT (SUPPLEMENTATION) ACT.**SILK. Customs duty on films produced by U.N. (c. 54, s. 6) ...**

p. 459

SILO SUBSIDIES. See AGRICULTURE (SILO SUBSIDIES) ACT.**SITE VALUES. Provisions under Housing Subsidies Act (c. 33, sch. 2)**

p. 155

SLAUGHTERHOUSES. Provisions under Food and Drugs (Scotland) Act (c. 30, s. 12)

p. 99

SLUM CLEARANCE (COMPENSATION) ACT: c. 57

p. 598

- § 1. Payments in respect of unfit houses occupied by owners, p. 598.
2. Payments in respect of business premises in unfit houses, p. 600.
3. Payments in respect of unfit but well maintained houses, p. 601.
4. Interpretation, p. 603.
5. Expenses, p. 605.
6. Citation and extent, p. 605.

SMALL LOTTERIES AND GAMING ACT: c. 45

p. 238

- § 1. Exemption of certain small lotteries conducted for charitable, sporting or other purposes, p. 238.
2. Registration of societies, p. 240.
3. Returns to be made by promoters, p. 241.
4. Exemption of small gaming parties, p. 242.
5. Supplementary provisions, p. 243.
6. Short title, commencement and extent, p. 244.

SMOKE. See CLEAN AIR ACT.**SOLICITOR (see also SOLICITORS (AMENDMENT) ACT). Restrictions on practice (c. 46, ss. 12, 13, 24)**

pp. 257, 262

SOLICITORS (AMENDMENT) ACT: c. 41 p. 209

- § 1. Increase of annual contribution to Compensation Fund, p. 210.
 2, and schedules 1 and 2. Qualifications for admission as solicitor, pp. 210, 222, 223.
 3. Registrar of solicitors, p. 211.
 4. Admission of persons as solicitors, p. 211.
 5. Issue of practising certificates, p. 212.
 6. Dating and expiry of practising certificates, p. 213.
 7. Suspension of practising certificates, p. 213.
 8. Provisions relating to proceedings before the disciplinary committee or court, p. 214.
 9. Power of Council to deal with property of certain solicitors, p. 215.
 10. Miscellaneous provisions with respect to removal from or striking off and replacement on roll, p. 216.
 11. Proceedings against solicitors' clerks who are not solicitors, p. 217.
 12. Power of Society to discharge articles in certain cases, p. 217.
 13. Remuneration of solicitors, p. 218.
 14. Qualification for office of solicitors who have been barristers, p. 219.
 15. Provisions as to Committees of Council and membership of Law Society, p. 220.
 16. Council to act on behalf of Society, p. 220.
 17. Certain powers to be exercisable by statutory instrument, p. 220.
 18. Interpretation, p. 221.
 19, and schedule 2. Citation, repeals, commencement and extent, pp. 221, 223.
 Schedule 1. Consequential amendments of enactments, p. 222.
 „ 2. Enactments repealed, p. 223.

SOUTHERN RHODESIA. Application to, of Pakistan (Consequential Provisions) Act (c. 31, s. 1 (2)) p. 138**SPEED LIMIT. In built up areas (c. 67, s. 4)** p. 699**SPIRITS. See INTOXICATING LIQUOR.****STAMP DUTIES (see also FINANCE ACT, PT. VI):**

Exemption from, under—

- Criminal Justice Administration Act (c. 34, s. 15 (4)) p. 173
 Dentists Act (c. 29, s. 2 (1)) p. 57
 Transport (Disposal of Road Haulage Property) Act (c. 56, s. 7) p. 594
 Payment of, under Workmen's Compensation and Benefit (Supplementation) Act (c. 51, s. 3 (3)) p. 375

STATUTORY UNDERTAKERS. Provisions as to road works under Road Traffic Act (c. 67, s. 45) p. 737**STIPENDIARY MAGISTRATE. Application to, of Criminal Justice Administration Act (c. 34, ss. 16, 17 (2) (c))** pp. 174, 175**STOCKPORT. Transfer to Lancashire of part of Stockport for purposes of assizes and quarter sessions (c. 34, s. 7)** p. 168**STREET LIGHTING. Provisions under Road Traffic Act (c. 67, s. 4)** ... p. 699**STREETS. See LOCAL GOVERNMENT (STREET WORKS) (SCOTLAND) ACT; ROADS AND ROAD TRAFFIC; STREET LIGHTING; UNDERGROUND WORKS (LONDON) ACT.****STRONGE, THE RIGHT HON. SIR NORMAN. See VALIDATION OF ELECTIONS (NORTHERN IRELAND) ACT.****SUBSIDIES. See AGRICULTURE (SILO SUBSIDIES) ACT; HILL FARMING ACT; HOUSING SUBSIDIES ACT.**

SUGAR ACT: c. 48 p. 297

Establishment and functions of Sugar Board

- § 1, and schedule 1. Establishment and principal functions of Sugar Board, pp. 298, 337.
 2, and schedule 2. Constitution of Sugar Board, pp. 300, 337.
 3. Further provisions as to functions of Sugar Board, p. 301.
 4. Finances of Sugar Board, p. 302.
 5. Power for Minister to advance sums to Sugar Board, p. 302.
 6, and schedule 3. Annual report and accounts of Sugar Board, pp. 303, 338.

Surcharge on imported and home-produced sugar and molasses

7. General provisions as to surcharge, p. 304.
 8. Surcharge repayments, p. 306.
 9. Special provisions as to composite sugar products, p. 308.
 10. Provisions as to surcharge, and surcharge repayments, in other special cases, p. 309.
 11. Supplementary provisions as to surcharge and surcharge repayments, p. 310.
 12. Application of proceeds of surcharge, p. 311.

Suspension of surcharge and provision for distribution payments by Sugar Board

13. Suspension of surcharge, p. 311.
 14. Distribution payments by Sugar Board, p. 312.
 15. Provision for distribution repayments to Sugar Board, p. 314.
 16. Supplementary provisions as to distribution payments and repayments, p. 315.

Provisions relating to British Sugar Corporation Limited

17. Purchase of home-grown beet by Corporation, p. 316.
 18. Research and education in sugar beet growing, p. 318.
 19. Agreements for incentive payments to Corporation, p. 319.
 20. and schedules 3 and 4. General provisions as to financial relations between Corporation and Sugar Board, pp. 320, 338, 339.
 21. Advances by Sugar Board to Corporation, p. 322.
 22. Power of Treasury to guarantee debentures of Corporation, p. 322.
 23. Functions of Ministers in relation to Corporation, p. 323.
 24. Wages and conditions of employment of employees of Corporation, p. 323.

Miscellaneous and supplementary provisions

25. Sugar refining agreements, p. 324.
 26. Default powers of Minister in relation to sugar refining agreements, p. 326.
 27. Limitation of sugar refiners' margin, p. 329.
 28. Penalties for offences under ss. 26 and 27, p. 330.
 29. Restriction of imports in pursuance of international sugar agreements, p. 331.
 30. Transitional provisions as to arrangements for purchase of sugar for export trade, p. 332.
 31. Payments by Sugar Board in respect of Minister's contracts for sale of sugar for home trade, p. 333.
 32. Dissolution of Sugar Commission, and repeals, p. 334.
 33. Regulations and orders, p. 334.
 34. Administrative expenses, p. 334.
 35. Interpretation, p. 334.
 36. Short title and extent, p. 336.
 Schedule 1. Commonwealth Sugar Agreement, p. 337.
 „ 2. Provisions as to Sugar Board, p. 337.
 „ 3. Annual Report and Accounts of Sugar Board, p. 338.
 „ 4. Transitional provisions as to finances of British Sugar Corporation Limited, p. 339.

SUGAR BOARD. *See* SUGAR ACT.

SUGAR COMMISSION. Dissolution of (c. 48, s. 32) p. 334

SUPERANNUATION. *See* PENSIONS.

SUMMARY JURISDICTION (*see also* **MAGISTRATES' COURTS (APPEALS FROM BINDING OVER ORDERS) ACT; ROAD TRAFFIC ACT; SEXUAL OFFENCES ACT**). Provisions under—

Administration of Justice Act (c. 46, ss. 41, 44)	pp. 272, 273
Agriculture (Safety, Health and Welfare Provisions) Act (c. 49, ss. 3, 4, 10-16)	pp. 343, 345, 348-351
Clean Air Act (c. 52, ss. 27, 28)	pp. 398, 399
Copyright Act (c. 74, s. 21)	p. 888
Dentists Act (c. 29, ss. 18, 27, 30)	pp. 68, 77, 78
Food and Drugs (Scotland) Act (c. 30, ss. 1, 40-44)	pp. 91, 120-125
Medical Act (c. 76, s. 31)	p. 981
Police, Fire and Probation Officers Remuneration Act (5 Eliz. 2, c. 1, s. 1, 2)	p. 1007
Restrictive Trade Practices Act (c. 68, ss. 16, 17)	pp. 788, 789
Small Lotteries and Gaming Act (c. 45, s. 3)... ..	p. 241
Sugar Act (c. 48, ss. 16, 28, 29)	pp. 315, 330, 331
Therapeutic Substances Act (c. 25, ss. 6, 12)	pp. 16, 19

SUPREME COURT. *See* **HIGH COURT.**

SUPREME COURT RULE COMMITTEE. Transfer of power to, under Criminal Justice Administration Act (c. 34, s. 19) p. 176

SWEETS. Excise duty (c. 54, s. 2) p. 456

T

TAXI FARES. *See* **HACKNEY CARRIAGES.**

TEACHERS (SUPERANNUATION) ACT: c. 53 p. 415

PART I.—PROVISIONS APPLYING TO ENGLAND AND WALES

Accounts and contributions

- § 1. Writing-off of accrued deficiency of contributions, p. 417.
- 2. Increase of contributions, p. 418.
- 3. Actuarial inquiries, p. 419.
- 4. Provisions for supplementary contributions by employers, p. 419.

Miscellaneous amendments

- 5. Amendments of basis of calculating superannuation allowances, p. 420.
- 6. Extension of service to age of 70, p. 421.
- 7. Calculation of salary and average salary, p. 422.
- 8. Provision for widows', widowers', children's and dependants' pensions, p. 423.
- 9. Allocation of part of superannuation benefits to spouse or dependant, p. 425.
- 10, and schedule 1. Increased annual allowance in exchange for surrender of additional allowance, pp. 425, 449.
- 11. Allowances and gratuities in respect of successive periods of service, p. 426.
- 12. Re-employment of pensioned teachers in contributory service, p. 427.
- 13. Return of contributions, p. 428.
- 14. Allowances and gratuities on retirement on grounds of infirmity, p. 428.
- 15. Extension of principal Acts to teachers in schools accepted by Minister, p. 429.
- 16. Recognition of teachers in respect of service before Act of 1945, p. 430.
- 17. Amendment of Teachers (Superannuation) Act, 1937, s. 2, p. 431.
- 18. Further provisions as to service in schools abroad, p. 431.
- 19. Further provision as to employment of value to teachers, p. 433.
- 20. Duplicate pensions, p. 434.
- 21. Intervals of payments of annuities and allowances, p. 434.
- 22. Payment of deferred annuities under Elementary School Teachers (Superannuation) Act, 1898, p. 434.
- 23, and schedule 2. Consequential and other provisions as to approved external service, pp. 434, 451.

Supplementary

- 24. Saving for National Insurance Act, 1946, p. 434.
- 25. Application of Statutory Instruments Act, p. 435.
- 26. Extent and interpretation of Part I, p. 435.

TEACHERS (SUPERANNUATION) ACT—continued.

PART II.—PROVISIONS APPLYING TO SCOTLAND

- § 27. Dismissal of teacher with forty-five years' service, p. 435.
- 28. Election by teachers for provisions of the scheme, p. 435.
- 29. Contributions towards benefits under Teachers Superannuation Scheme, p. 435.
- 30. Teachers superannuation account and actuarial inquiries, p. 437.
- 31. Payment of deferred annuities under 61 and 62 Vict, c. 57, p. 440.
- 32. Interpretation of Part IV of Act of 1946, p. 440.
- 33. Amendment of Part I of the Third Schedule to the Act of 1946, p. 441.
- 34. Amendment of Part II of the Third Schedule to the Act of 1946, p. 445.
- 35. Amendment of Part III of the Third Schedule to the Act of 1946, p. 447.
- 36. Amendment of Fourth Schedule to the Act of 1946, p. 447.
- 37. Amendment of the Education (Scotland) (War Service Superannuation) Act, 1939, p. 447.
- 38. Extent and interpretation of Part II, p. 447.

PART III.—GENERAL

- 39. Expenses and payments into Exchequer, p. 448.
- 40. Functions of Government Actuary, p. 448.
- 41. Short title, citation, commencement and extent, p. 448.
- Schedule 1. Modification of enactments in relation to teachers electing under s. 10 of this Act, p. 449.
- „ 2. Provisions as to approved external service, p. 451.

TESTS. Provisions under Road Traffic Act (c. 67, ss. 1–3, 16, 17) pp. 694–698, 708

THERAPEUTIC SUBSTANCES ACT: c. 25 p. 12

PART I.—CONTROL OF MANUFACTURE AND IMPORTATION OF CERTAIN THERAPEUTIC SUBSTANCES

- § 1, and schedule 1. Substances to which Part I applies, pp. 13, 22.
- 2. Restrictions on manufacture of substances to which Part I applies, p. 13.
- 3. Restrictions on importation of substances to which Part I applies, p. 14.
- 4. The joint committee and the advisory committee, p. 15.
- 5, and schedule 1. Power to make regulations, pp. 15, 22.
- 6. Offences under Part I, p. 16.
- 7. Licensing authority for purposes of Part I, p. 17.

PART II.—CONTROL OF SALE, SUPPLY, DISPENSING AND ADMINISTRATION OF PENICILLIN AND CERTAIN OTHER SUBSTANCES

- 8. Substances to which Part II applies, p. 17.
- 9. Control of sale and supply of substances to which Part II applies, p. 17.
- 10. Control of dispensing of substances to which Part II applies, p. 18.
- 11. Control of administration of substances to which Part II applies, p. 18.
- 12. Offences under Part II, p. 19.
- 13. Enforcement by Pharmaceutical Society, p. 19.
- 14. Interpretation of Part II, p. 19.
- 15. Application of Part II to Northern Ireland, p. 20.

PART III.—GENERAL

- 16. Application of Statutory Instruments Act, 1946, to regulations, p. 20.
- 17. General provisions as to Northern Ireland, p. 21.
- 18, and schedule 2. Repeal and savings, pp. 21, 22.
- 19. Short title and commencement, p. 21.
- Schedule 1. Substances to which Part I of this Act applies, p. 22.
- „ 2. Enactments repealed, p. 22.

TITHE REDEMPTION COMMISSION. Recovery by, of debts due to Crown (c. 46, s. 32 (3)) p. 268

TOBACCO. Customs and excise provisions (c. 54, s. 1, sch. 1) ... pp. 456, 513

TOWN DEVELOPMENT. See HOUSING SUBSIDIES ACT.

TOWN GOVERNMENT (*see also* LOCAL GOVERNMENT (STREET WORKS) (SCOTLAND) ACT):

Deposit of building plans (c. 52, s. 10)	p. 385
Lopping of trees, etc. (c. 67, sch. 8 para. 5)	p. 757
Liability to rates (c. 60, s. 17)	p. 64C

TRADE. *See* INDUSTRY; RESTRICTIVE TRADE PRACTICES ACT.

TRADE, BOARD OF (*see also* RESTRICTIVE TRADE PRACTICES ACT).

Provisions under—

Copyright Act (c. 74, ss. 7, 8, 23, 47, sch. 4)	pp. 863, 866, 891
Food and Drugs (Scotland) Act (c. 30, ss. 7, 56)	pp. 96, 128
Sugar Act (c. 48, ss. 29, 33)	pp. 331, 334

TRADE UNIONS:

Income tax exemptions (c. 54, s. 26)	p. 489
Restrictive trade practices provisions (c. 68, s. 24 (8))	p. 796

TRAFFIC COMMISSIONERS (*see also* ROAD TRAFFIC ACT). Provisions under Hydrocarbon Oil Duties (Temporary Increase) Act (5 Eliz. 2, c. 2, s. 2 (3))

... ..	p. 1009
--------	---------

TRAFFIC REGULATION. Provisions under Road Traffic Act (c. 67, ss. 33-38)

... ..	pp. 724-732
--------	-------------

TRAFFIC SIGNS. Erection of (c. 67, ss. 37, 38)

... ..	pp. 731, 732
--------	--------------

TRAINING AND EDUCATION (*see also* EDUCATION (SCOTLAND) ACT). Provisions under Agricultural Research Act (c. 28, s. 1)

... ..	p. 54
--------	-------

TRANSPORT AND CIVIL AVIATION, MINISTER OF (*see also* ROAD TRAFFIC ACT: TRANSPORT (DISPOSAL OF ROAD HAULAGE PROPERTY) ACT). Powers and duties under—

Food and Drugs (Scotland) Act (c. 30, s. 20 (4))	p. 106
Licensing (Airports) Act (c. 37, s. 1)	p. 185

TRANSPORT (DISPOSAL OF ROAD HAULAGE PROPERTY) ACT: c. 56 ... p. 586

- § 1. Disposal of property to companies remaining under Commission's control p. 586.
- 2, and schedule. Disposal of property through companies the securities of which are sold, pp. 588, 597.
- 3. Special provisions as to vehicles used exclusively for particular contracts, p. 590.
- 4. Extra vehicles for companies to which s. 3 applies, p. 591.
- 5. Reduction of number of trailers covered by licences under Part II of First Schedule to Transport Act, 1953, p. 592.
- 6. Supervision and control of disposal of property, etc., p. 592.
- 7. Exemptions from stamp duty, p. 594.
- 8. Abolition of transport levy and winding-up of Transport Fund, p. 595.
- 9. Application to Commission of enactments relating to holding companies, p. 596.
- 10. Short title, interpretation and extent, p. 596.
- Schedule. Provisions for facilitating the reorganisation of the capital of certain companies, p. 597.

TRANSPORT FUND. Winding up of (c. 56, s. 8)

... ..	p. 595
--------	--------

TRANSPORT TRIBUNAL. Powers and duties under Hydrocarbon Oil Duties (Temporary Increase) Act (5 Eliz. 2, c. 2, s. 2 (4))

... ..	p. 1009
--------	---------

TRAVELLING EXPENSES (*see also* LOCAL AUTHORITIES (EXPENSES) ACT). Provisions under Education (Scotland) Act (c. 75, s. 5)

... ..	p. 949
--------	--------

TREASURY (<i>see also</i> APPROPRIATION ACT; CONSOLIDATED FUND ACT; FINANCE ACT; PENSIONS (INCREASE) ACT; SUGAR ACT). Powers and duties under—	
Agriculture (Silo Subsidies) Act (5 Eliz. 2, c. 5, s. 1)	p. 1004
Air Corporations Act (5 Eliz. 2, c. 3, s. 1)	p. 1011
Copyright Act (c. 74, s. 23 (7))... ..	p. 891
Crown Estate Act (c. 73, s. 2 (1))	p. 851
Dentists Act (c. 29, s. 20 (8))	p. 72
Department of Scientific and Industrial Research Act (c. 58, s. 2 (5))	p. 608
Food and Drugs (Scotland) Act (c. 30, s. 25 (6))	p. 110
Governors' Pensions Act (c. 64, ss. 5-7, 13)	pp. 685-686, 688
Hill Farming Act (c. 72, s. 1 (2))	p. 848
Hydrocarbon Oil Duties (Temporary Increase) Act (5 Eliz. 2, c. 2, ss. 1, 3)	pp. 1008, 1010
Overseas Resources Development Act (c. 71, s. 4 (2))	p. 847
Police (Scotland) Act (c. 26, s. 33)	p. 44
Restrictive Trade Practices Act (c. 68, ss. 1, 4 (4) (5), 19 (2), 23 (1))	pp. 773, 776, 791, 794
Road Traffic Act (c. 67, ss. 5 (2), 19 (5))	pp. 700, 711
Solicitors (Amendment) Act (c. 41, s. 17)	p. 220
Teachers (Superannuation) Act (c. 53, ss. 3, 18 (5), 19 (3))	pp. 419, 432, 433
Valuation and Rating (Scotland) Act (c. 60, s. 3 (6))	p. 625
Workmen's Compensation and Benefit (Supplementation) Act (c. 51, ss. 3 (2), 5)	pp. 375, 376
TREASURY SOLICITOR. Consultation with Law Officers through (c. 68, s. 1 (3))	
	p. 774
TRUSTEE. Powers of attorney: time limit for filing (c. 46, s. 18) ...	
	p. 260
U	
UNADMINISTERED ESTATES. Interests in. Income tax liability (c. 54, s. 41)	
	p. 510
UNDERGROUND WORKS (LONDON) ACT: c. 59	
	p. 609
§ 1. Vesting of lands and works in the Minister of Works, p. 611.	
2. Compensation for lands vested in the Minister, p. 612.	
3, and schedule 1. Roads and streets, pp. 613, 617.	
4, and schedule 2. Drains and water-pipes, pp. 613, 618.	
5. Support of superjacent strata by underground works, p. 614.	
6. Restriction of building work above or near Lendal Terrace subway, p. 615.	
7. Provisions relating to British Transport Commission, p. 616.	
8. Provisions relating to London Electricity Board, p. 616.	
9. Expenses and receipts of the Minister, p. 617.	
10. Short title, p. 617.	
Schedule 1. Streets encroached upon by surface works connected with the shelters, p. 617.	
,, 2. Drains and water-pipes connected with the shelters, p. 618.	
UNFIT HOUSES. <i>See</i> SLUM CLEARANCE (COMPENSATION) ACT.	
UNIFORM. Unauthorised use of (c. 26, s. 26)	
	p. 41
UNITED NATIONS. Exemption from customs duties of films produced by (c. 54, s. 6)	
	p. 459
UNIVERSITIES. Provisions under Medical Act (c. 76, ss. 3, 11, sch. 3)	
	pp. 962, 968, 1003
UNOCCUPIED LANDS AND HERITAGES: Liability to charge of owner of (c. 60, s. 17)	
	p. 624

V

VALIDATION OF ELECTIONS (NORTHERN IRELAND) ACT: c. 35 p. 183

- § 1. Validation of elections and indemnity, p. 183.
- 2. Short title, p. 184.

VALUATION. *See* RATING AND VALUATION; VALUATION AND RATING (SCOTLAND) ACT.

VALUATION AND RATING (SCOTLAND) ACT: c. 60 p. 619

PART I.—*Valuation*

- § 1. Valuation areas and authorities and appointment of assessors and staff, p. 621.
- 2. Administrative schemes, p. 623.
- 3. Scottish Valuation Advisory Council, p. 624.
- 4. Compensation to officers and transfer of property and liabilities, p. 625.
- 5. Valuation Appeal Committees, p. 626.
- 6, and schedule 1. Ascertainment of gross annual value, net annual value and rateable value of lands and heritages, pp. 627, 655.
- 7. Provisions relating to agricultural lands and heritages and dwelling-houses occupied in connection therewith, p. 630.
- 8. Subjects to be excluded from valuation roll, p. 632.
- 9. Duties of assessors, p. 632.
- 10. Duties of Assessor of Public Undertakings (Scotland), p. 635.
- 11. Supplementary valuation roll, p. 636.
- 12. Information to be furnished by parties to appeal or complaint, p. 636.
- 13, and schedule 2. Times for giving notices, etc., pp. 637, 655.
- 14. Stated case to Lands Valuation Appeal Court to set forth reasons for decision, p. 637.
- 15. Transitory provisions, p. 638.

PART II.—*Rating*

- 16, and schedule 3. Transference of liability for owners' rates and consequential reduction of rents, pp. 641, 656.
- 17. Liability to charge of owner of unoccupied lands and heritages, p. 642.
- 18. Amendment of Water (Scotland) Act, 1949, p. 643.
- 19. Amendment of s. 229 of Act of 1947, p. 643.
- 20. Contributions in aid of rates by police authorities, p. 644.
- 21. Contributions in aid of rates by Commissioners of Northern Lighthouses, p. 644.
- 22. Exemption of churches, etc., from rates, p. 644.
- 23. Provisions as to rates payable by charitable and other organisations, p. 645.

PART III.—*Valuation and Rating of Gas Boards*

- 24, and schedule 4. Valuation and rating of Gas Boards, pp. 646, 661.
- 25, and schedule 5. Transitory provisions relating to valuation and rating of Gas Boards, pp. 647, 665.

PART IV.—*Exchequer Grants*

- 26, and schedule 6. Exchequer Grants, pp. 647, 666.
- 27. Meaning of "adjusted rateable value", p. 648.
- 28. Amendment of s. 11 (1) of Act of 1954, p. 648.
- 29. Duration of Part IV, p. 649.

PART V.—*Miscellaneous and Consequential Provisions*

- 30. Calculation or apportionment of sums to be according to net annual valuation, p. 649.
- 31. Adaptation of Acts limiting expenditure by reference to gross annual or rateable valuation, etc., p. 649.
- 32. Amendment of s. 47 (4) of Local Government (Scotland) Act, 1929, p. 650.
- 33. Amendment of ss. 239 to 241 of Act of 1947, p. 650.
- 34. Amendment of s. 248 of Act of 1947, p. 650.
- 35. Amendment of s. 5 of Representation of the People Act, 1949, p. 650.
- 36. Amendment of Seventh Schedule to Housing (Scotland) Act, 1950, p. 651.
- 37. Amendment of s. 1 of House Letting and Rating (Scotland) Act, 1911, p. 651.
- 38. Amendment of s. 1 (9) of Land Drainage (Scotland) Act, 1941, p. 651.

VALUATION AND RATING (SCOTLAND) ACT—*continued.*PART V.—*Miscellaneous and Consequential Provisions—continued.*

39. Amendment of s. 30 (2) of Agriculture (Scotland) Act, 1948, p. 652.
 40. Adaptation of local Acts, p. 652.
 41. Financial provisions, p. 652.
 42. Provisions as to orders, p. 652.
 43. Interpretation, p. 653.
 44, and schedule 7. Repeals, pp. 654, 668.
 45. Short title and extent, p. 654.
 Schedule 1. Deductions from gross annual value, p. 655.
 „ 2. Valuation timetable, p. 655.
 „ 3. Reduction of rents, p. 656.
 „ 4. New provisions for rating Gas Boards, p. 661.
 „ 5. Transitory provisions for rating Gas Boards, p. 665.
 „ 6. Exchequer Grants, p. 666.
 „ 7. Repeal of enactments, p. 668.

VEHICLES:

- Customs and excise on (c. 54, ss. 5, 7) pp. 457, 459
 Tests of satisfactory condition (c. 67, ss. 1–3, 16, 17) pp. 694–698, 708

VETERINARY SURGEON. Provisions under Therapeutic Substances Act (c. 25, ss. 10, 11) pp. 18, 19

VICTORIA CROSS. Income tax relief for annuities and additional pensions paid to holders of (c. 54, s. 14) p. 468

VIRGIN ISLANDS. Appeals from court of (c. 63, s. 2) p. 681

VOTES. *See* APPROPRIATION ACT.

W

WAGES:

- Restrictions on suits for (c. 46, s. 5) p. 253
 Settlement of, by industrial courts (c. 48, s. 24) p. 323

WANDSWORTH, METROPOLITAN BOROUGH OF. Provisions under Underground Works (London) Act (c. 59, s. 6 (9)) p. 616

WATER RATE. Provisions under Valuation and Rating (Scotland) Act (c. 60, s. 18) p. 643

WEST DERBY. Establishment of courts of assize at (c. 34, s. 1) p. 160

WEST INDIAN COURT OF APPEAL. Dissolution of (c. 63, s. 2) p. 681

WIDOWS (*see also* NATIONAL INSURANCE ACT).

- National Insurance benefits (c. 50, s. 2) p. 359

WILL. Bequest of copyright (c. 74, s. 38, schs. 7, para. 29, 8, para. 6) pp. 937, 944

WINDWARD ISLANDS. *See* LEEWARD ISLANDS ACT.

WINES AND SPIRITS. *See* INTOXICATING LIQUOR.

WITNESS:

- Evidence of wife under Sexual Offences Act (c. 69, s. 39) p. 821
 Penalty for non-attendance on judgment summons (c. 46, s. 27) p. 264

WORKMEN'S COMPENSATION AND BENEFIT (SUPPLEMENTATION) ACT:
c. 51 p. 372

- § 1. Persons to whom this Act applies, p. 372.
2. Right to, and rate of, allowances under this Act, p. 374.
3. Ancillary provisions, p. 374.
4. Offences, p. 375.
5. Reciprocal arrangements with Northern Ireland, p. 376.
6, and schedule. Application of enactments, pp. 377, 378.
7. Parliamentary control over regulations, p. 377.
8. Short title, p. 377.
Schedule. Enactments applied, p. 378.

WORKS, MINISTER OF (*see also* UNDERGROUND WORKS (LONDON) ACT).
Parks and open spaces: parking of vehicles (c. 67, s. 25) p. 719

Y

YOUNG PERSONS. *See* CHILDREN AND YOUNG PERSONS.

York House, Kingsway, LONDON, W.C.2
423 Oxford Street, LONDON, W.1
P.O. Box 569, LONDON, S.E.1
13a Castle Street, EDINBURGH, 2
109 St. Mary Street, CARDIFF
39 King Street, MANCHESTER, 2
Tower Lane, BRISTOL, 1
2 Edmund Street, BIRMINGHAM, 3
80 Chichester Street, BELFAST
or from any Bookseller
1957

Printed in Great Britain

Keep your statute law up to date!

ANNOTATIONS TO ACTS, 1956

Instructions for noting up those Acts which were affected by 1956 legislation, direct or delegated: substituted provisions are printed on adhesive slips.

The directions can be carried out by a junior clerk or typist on any set of statutes within a few weeks.

Price 20s. 0d. By post 20s. 7d.

CHRONOLOGICAL TABLE OF THE STATUTES

A chronological list of ALL THE PUBLIC GENERAL ACTS from 1235 to 1956, showing, as to those totally repealed, the enactments by which they were repealed and, as to those still in operation, the effect of all subsequent legislation on them, section by section.

With the aid of this publication a practitioner can tell instantly the present position of any enactment to which he has been referred.

Price 57s. 6d. By post 59s. 3d.

The above can be obtained from any of the addresses of Her Majesty's Stationery Office shown opposite or through any bookseller.

*The statute law up to date
sign-posted in two volumes!*

**THE INDEX TO THE STATUTES
IN FORCE**

These two volumes (A-K, L-Z) index by subject-matter all the existing public general statute law under well-established headings linked by numerous cross-references. The index entries have against them references to the enactment or enactments which support the subject matter.

Since the references are to enactments (and not to pages of any book), the usefulness of the volumes is not limited to any particular set of statutes.

There is a chronological table showing the headings under which each Act or section is indexed in the volumes, and a similar table for Church Measures.

THE INDEX TO THE STATUTES IN FORCE provides a service which is of the utmost value and which for its adaptability is unique. It is obtainable from any of the addresses of H.M. Stationery Office (see the previous page) to whom application should be made for particulars of the above and other useful legal reference works prepared in the Statutory Publications Office.

Price 120s. By post 122s. 9d.

Stanford Law Library



3 6105 062 734 095

